ABSTRACT

Redefining the Roles of the Rural Levites in Deuteronomy

The present study is an investigation into the roles of the rural Levites in Deuteronomy. In the first chapter I review the identity and roles of the Levites in the Hebrew Bible before and after cult centralization, transitioning from local high place priests to a lack of local cultic function in the wake of cult centralization, though they were able to serve at the central sanctuary. Although the dominant position has been that the Levites were impoverished by centralization (what I refer to as the Impoverished Rural Levite Hypothesis), I will propose an additional interpretation of rural Levitical roles, namely, that the rural Levites may have been responsible for performing several non-cultic roles and social level rituals in the local towns, based on their ongoing cultic roles at the sanctuary and their overarching function as socio-cultic intermediaries and ritual specialists (comparable to Ugarit's *Ṣitqānu* priest and Egypt's *wab* and lector priests), who were responsible for עבדה and משׁמרת across the socio-cultic spectrum.

In the second chapter, I discuss the structuralist socio-anthropological method that guides my research. The socio-anthropological method, exemplified by the ancient Near Eastern hierarchical worldview, informs how we should view the social structure underlying Deuteronomy, i.e., complex groupings of analogically related binary oppositions, which in ancient Israel were arranged in a three tier universe. I also define and clarify the features, goals, and means of ritual in ancient society, following Jan Platvoet and Gerald Klingbeil. Ritual is a special behavior that is distinguished from ordinary behavior in space, time, occasion, and/or message. I nuance this definition for cultic, social, domestic, and non-ritual contexts. After a survey of the elders, judges, שׁוטרים, and Israelite *patres familias*, I propose that the rural Levite

was the most likely candidate for local ritual specialist. I devote the remaining chapters to considering several roles that the Levite *might* have performed.

In the third chapter, I suggest that Deuteronomy conceived of the rural Levites as socio-cultic firstborn substitutes and performers of משמרת and עבדה, in parallel with their roles in P, based on: 1) the implied need for firstborn substitution in Deuteronomy, though no substitution is explicitly mentioned, 2) the allusion of the Levitical Entitlement Phrase (Deut 10:9) to Numbers 18, which relies upon Numbers 3 (Levitical firstborn substitution as debt-slaves) as the basis for Levitical tithe entitlement, and 3) the suggestion that עזב should be translated as "leave behind" instead of "forsake" in Deut 12:19 and 14:27, based on the need for Levites to be present at the central sanctuary for annual human firstborn substitution rituals, and the annual festivals. In the second half of the chapter, I suggest that the Levites functioned as socio-cultic intermediaries in the roles of משמרת and עבדה. Although these roles originated in the cultic sphere, the rural Levites extended them into the social sphere as analogous non-cultic משמרת and עבדה.

In the fourth chapter, I suggest that non-cultic Levitical משמרת and עבדה in Deuteronomy were manifest in rural scribal responsibilities, namely, collecting and distributing the local triennial tithe (Deut 14:28-29), exchanging annual tithes for silver (14:24-25), as שוטרים, administering ritual ordeals and/or judicial oaths, and witnessing, recording, and/or administering locally initiated judicial, commercial, and/or religious oaths and vows. I also synthesize the scribal roles of tithe and vow administration to suggest that the rural Levites may have administered the triennial tithe fulfillment oath (Deut 26:12-15), and/or the initiation of a local corporate rain vow during the triennial tithe.

In the fifth chapter, I intend to show that local meat consumption in ancient Israel may have been guided by social and/or domestic ritual practices which set them apart from cultic ritual in some ways, and related them by analogy in other ways. I examine key elements of local meat consumption, including: the method and sequence of שׁחט/זבח as cutting the throat and collecting the blood, the status and function of non-cultic slaughter blood as "like water," and limitations in the timing of אוה-based local meat consumption primarily to times of herd culling, and limitations in the scope of consumption to primarily caprine animals. These analyses suggest that local meat consumption was special, although non-cultic, and in some cases may have held the status of social or domestic ritual. In the second section, I show a gradation of local meat consumption, in an attempt to elucidate the analogous relationship between cultic, social, and domestic rituals pertaining to meat consumption, and to demonstrate that some types of local meat consumption had greater ritual significance and connection to cultic consumption than other types. Whereas we should expect the rural Levite to have overseen and/or performed roles associated with social-level types of local consumption (i.e., the triennial tithe, blemished firstborn, and טהור animals), based on their social ritual status, his involvement in domestic-level types of local consumption is less likely, based on their domestic or non-ritual status.

All Levitical duties, whether cultic or non-cultic, were regarded as משׁמרת or עבדה. While centralization in Deuteronomy has often been recognized for what it removed from the local towns and brought to the central sanctuary, we must also recognize how some of the personnel, rituals, and roles of the central sanctuary were extended into the local towns. In short, by extending the roles of Levitical משׁמרת and עבדה from the cult into the local towns in scribal administration and non-cultic slaughter, and by extending the Levites from the sanctuary into the

local towns, Deuteronomy extended, innovated, and re-contextualized the משׁמרת and עבדה of the Levites beyond the cultic sphere into the sanctified/semi-sacred territory of Israel's שׁערים, which had been made holy by virtue of the Israelites' collective agreement to covenant obedience.

Redefining the Roles of the Rural Levites in Deuteronomy

A Dissertation

Presented to the Faculty of Asbury Theological Seminary

Wilmore, KY

In Partial Fulfillment of the

Requirements for the Degree

Doctor in Philosophy in Biblical Studies

Dissertation Committee:

Dr. Bill T. Arnold, Mentor

Dr. John A. Cook, Reader

Dr. Gerald Klingbeil, Examiner

By

James Douglas Wilson

September 24, 2018

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ABBREVIATIONS

P Priestly texts, or material related to the Pentateuchal Priestly Traditions

H Holiness Code, or material related to the Holiness Code

D Deuteronomy

CC Covenant Code

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ACKNOWLEDGEMENTS

This dissertation was inspired by Dr. Bill Arnold, whose seminar presentation on his research in Deuteronomy sparked my own curiosity about the rural Levites. I wish to thank Dr. Arnold for guiding me from a research question, through early research and a proposal, and finally into this finished product. All along the way, Dr. Arnold's expertise and pastoral demeanor contributed to my research. I am also grateful to Dr. John Cook, whose critical eye sharpened earlier drafts of this research, and whose dialogue helped me to refine and clarify my views. I appreciate the contributions of Dr. Gerald Klingbeil, first for his methodological contribution to the field of ritual criticism, second for his willingness to respond to my questions about his work, and third for his contributions to the final draft of this document as the examiner for my defense.

I also wish to express appreciation for my colleagues and classmates at Asbury Theological Seminary. In particular (and in alphabetical order), Kevin Burr, Kei Hiramatsu, Drew Holland, Joe Hwang, Steve Knisely, and Brian Shockey have all spent considerable amounts of their time helping me to brainstorm, refine, and revise my research since its early inception in 2015. I wish to express my deepest gratitude to my family: to my dad, Doug Wilson, who has supported my education from the beginning; to my sons, Eliam and Silas Wilson, who have endured my occasional absences, lack of attention, and who are the reasons for my educational and career pursuits; and most of all to my wife, Meagan Wilson, who has tirelessly supported me throughout my education by working hard, menial jobs, all while encouraging me to attend academic conferences, do research, and pursue my education. Her work ethic, devotion, and love are my greatest motivations.

Chapter 1: Introduction

Study of the Levites in Deuteronomy has traditionally occupied two subjects of inquiry. The first has been the function of the Levites within the Israelite cult as defined by Deuteronomy, especially Deut 18:1-8. Following Wellhausen, scholars have traditionally placed Deuteronomy's depiction of Levites significantly earlier than the depiction of Levites in Ezekiel 40-48, Leviticus–Numbers, Chronicles, and Ezra-Nehemiah.[1] However, even within this schema scholars are divided on the role of Levites in Deuteronomy, i.e., whether they functioned as full priests or as a secondary class of cultic personnel. The second subject of inquiry has been the effect that cultic centralization had on the Levites in Deuteronomy. Scholars have traditionally held that the Levites were the local priests of the high places who were disenfranchised from their cultic roles by the centralizing cultic reforms of Hezekiah and Josiah and joined the ranks of the locally impoverished widow, orphan, and גר (i.e., the *personae miserae*). In this introductory chapter, we will review the identity and roles of the Levites in the Hebrew Bible before and after cult centralization, and we will consider the impact that the implementation of centralization may have had on the rural Levites. This will prepare the way for an investigation in the following chapters of the plausibility that the rural Levites continued to perform non-cultic tasks in the towns based on their experience as cultic ritual specialists.

[1] Julius Wellhausen, *Prolegomena to the History of Israel*, trans. J. Sutherland and Allan Menzies (Edinburgh: A & C Black, 1885), 121–51.

I. Who Were the Levites and What Did They Do?

A. Cult Centralization

In response to an article by Frederick Greenspahn, Bill T. Arnold has written a thorough, yet concise summary of the *status questionis* of research on cult centralization in Deuteronomy.[2] The argument for cult centralization stems from an observation of three different altar laws in the Pentateuch. The first is Exod 20:22-26, which specifies that the material composition of the altar must be either dirt or uncut field stones, and that it was the location where sacrificial offerings and fellowship offerings must be made. It also specifies that these altars should be built, בכל־ המקום אשר אזכיר את־שמי,"in every place that I cause my name to be remembered," (Exod 20:24) which implies at least the possibility of multiple licit worship sites functioning either contemporaneously or in succession. The second altar law is Deuteronomy 12 (and throughout the legal core of Deuteronomy 12–26), which limited Israelites to one licit central altar at, המקום אשר־יבחר יהוה אלהיכם, "the place which the Lord your God will choose," to which they could bring burnt offerings, sacrifices, tithes, wave offerings, votive offerings, freewill offerings, and firstborn offerings.[3] However, due to the difficulty of motivating the Israelite populace to come to the central sanctuary several times a year, Deuteronomy provides concessions in the form of non-cultic slaughter (12:15-16) and monetary exchange of sacrificial goods (14:24-25). The third altar law is Lev 17:1-9, which assumes the bronze altar as described in Exod 27:1-8 and specifies that it was the only location where "open-field sacrifices" must be slaughtered as peace offerings

[2] Bill T. Arnold, "Deuteronomy 12 and the Law of the Central Sanctuary Noch Einmal," *VT* 64 (2014): 244–48; Frederick Greenspahn, "Deuteronomy and Centralization," *VT* 64 (2014): 227–35. Cf. the summary and bibliography in J. G. McConville and J. G. Millar, *Time and Place in Deuteronomy*, JSOTSup 179 (Sheffield: Sheffield Academic Press, 1994), 103–9.

[3] Deuteronomy 12:5-6. The topic of "Name Theology," although an intriguing aspect of research in Deuteronomy, will not be discussed.

(17:5). This is similar to the altar centralization of Deuteronomy; however, whereas Lev 17:1-9 mandated that all slaughter must occur as a peace offering at the altar, Deut 12:15-16 allowed for non-cultic slaughter in the towns.[4] An additional complication comes with the cryptic remarks in Lev 26:30-31, that in response to a disobedient Israel God would "make your sanctuaries desolate." This suggests at least the possibility that the peace offerings mentioned in Lev 17:1-9 could be sacrificed at one of many licit altars throughout the land, rather than a single central altar.[5]

Research on the altar law in Deuteronomy has focused on the apparent shift from multiple sites in Exodus 20 to a single central site in Deuteronomy. Various proposals have been made for how, why, and when this shift occurred, with the consensus resting primarily upon the work of Moshe Weinfeld. Building upon the work of DeWette, Wellhausen, et al, Weinfeld proposed that centralization was part of a desacralization program that had been applied to the Jerusalem traditions during the period of Hezekiah and Josiah. As all cultic functions were shifted to the central sanctuary, having a sacralizing effect on that location, the formerly licit rural altars experienced a de-sacralizing effect that made formerly sacred rural institutions and practices entirely secular.[6] Two such secularized institutions were local sacrifice and local justice. The former became profane slaughter, which was sufficiently desacralized that the only restriction placed on it was the disposal of animal blood. The latter transitioned from judicial matters being decided by sacral means (involving local cultic officials) to being settled by

[4] Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2 25 (Tübingen: Mohr Siebeck, 2007), 429, asserts that the H altar law (Lev 17) presupposes and reinterprets earlier sacrificial laws in P, D, and CC. Although Leviticus 17 emphasizes the rejection of D's profane slaughter, this was intended as a corrective, not as a replacement of D's altar law.

[5] However, the context of Leviticus 26:14-33 which highlights Israel's potential punishment for disobedience also accommodates the possibility that the presence of multiple "sanctuaries" was illicit.

[6] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake, IN: Eisenbrauns, 1992), 233.

entirely secular judges unless diverted to the court at the central sanctuary.[7] In chapter two I will suggest that secularization and delegitimization of local cult sites occurred as a necessary component of centralization ideology, but the three tier worldview of Israel evinced in Deuteronomy and the HB as a whole suggests that even secular space was not entirely disconnected from the sacred.

Baruch Halpern has constructed an alternative approach to centralization based on shifting political ideology in Israel. Although Israel was a traditional clan-based society with state administration superimposed upon it, external pressure from Assyria led to a "disenfranchisement of the countryside," and a promotion of royal ideologies over rural clan ideologies.[8] Halpern suggests that this occurred primarily via Hezekiah's fortification of rural towns, into which much of the rural population was concentrated.[9] The rural cult was thereby dismantled while the state cult was enhanced, the land was desacralized and kinship bonds were broken, allowing the pervasion of state ideology.[10] This bold political and theological move was justified theologically by the state as YHWH's judgment on the rural cult in the form of Sennacherib's destruction and depopulation of rural areas.[11] Changes continued in the seventh century BCE as the clan structures disintegrated and were fully replaced by the state, which itself had adopted older tribal institutions and ideologies.[12]

The final effects of centralization took hold after 701 BCE when remaining state temples (e.g., Arad) were decommissioned and sacrifice was directed exclusively to Jerusalem.[13] Halpern

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[7] Weinfeld, *Deuteronomic School*, 234, 236.

[8] Baruch Halpern, "Jerusalem and the Lineages in the Seventh Century BCE: Kingship and the Rise of Individual Moral Liability," in *Law and Ideology in Monarchic Israel*, ed. Deborah W. Hobson, JSOTSup 124 (Sheffield: JSOT Press, 1991), 16.

[9] Halpern, "Jerusalem and the Lineages," 23–26.

[10] Halpern, "Jerusalem and the Lineages," 27.

[11] Halpern, "Jerusalem and the Lineages," 42. Cf. Mic 1:13; 5:9-13; Isa 1:11-17.

[12] Halpern, "Jerusalem and the Lineages," 74–76.

[13] Halpern, "Jerusalem and the Lineages," 78.

summarizes the irony of the Josianic and Hezekian centralization efforts: "Josiah, and probably Hezekiah, turned countryside conservatism back on itself, accusing the worshippers on the high places of apostasy, of foreign practice, the very charge no doubt levelled earlier against Solomon, who introduced the principle of a central temple, a royal chapel, into rural culture."[14] The centralization that Weinfeld and others have traditionally ascribed to theological developments, Halpern thus ascribes to political developments. In reality, the two categories (politics and theology) were not mutually exclusive. Halpern's assessment is useful because it highlights the political and theological influence of state ideology; and when it is combined with Weinfeld's view of centralization, we have a fuller perspective on centralization and its effects. Not only can we observe what Deuteronomy requires of centralization, but we can also observe how the various components of centralization may have been affected. With this general understanding of centralization in mind, I proceed with a discussion of the Levites before and after cult centralization, and the immediate impact that the implementation of centralization may have had on the rural Levites in Deuteronomy.

B. The Levites Before and After Cultic Centralization[15]

Julius Wellhausen and others have used Ezekiel 44 as a diachronic marker of the development of the Israelite priesthood. Wellhausen espoused the view that the Israelite priesthood developed from non-priestly altar service in the patriarchal era, into priestly altar service at the temple and rural high places in the monarchical era (when *some* priests belonged to the line of Levi), and into an attempted blend of rural high place priests with Jerusalem priests (possibly during the early divided monarchy, but no later than Josiah's centralization efforts). By

[14] Halpern, "Jerusalem and the Lineages," 85.

[15] Although not consulted until this draft was nearly completed, I have found that Gerald Klingbeil, "Priests and Levites," in *IVP Dictionary Of the Old Testament: Historical Books* (Downers Grove, IL: IVP, 2005), 811–19, makes a number of similar observations to those which I made independently in this section.

the time of Ezekiel 44, the rural Levites had been disenfranchised from all priestly roles, and had become a lower class of non-priestly cultic personnel under the priestly Zadokites.[16] This became normative in ChrH, and was finally canonized in the Pentateuchal priestly traditions (P) via the historically fictitious wilderness distinction between Aaronide priests and remaining Levites.[17] At the center of this diachrony sits Ezekiel 44, which Wellhausen asserted was the temporal setting and justification for the separation of non-priestly Levites into a sub-priestly class of cult attendants who were distinct from priestly Zadokites.[18]

Although Wellhausen's presentation of the diachrony of the Israelite cult is a dominant one, it is not the only view.[19] Whereas Wellhausen has placed P as the latest in the JEDP schema based on his conception of Israelite cultic diachrony, there are several scholars who would suggest that P precedes or is roughly contemporary with D. Israel Knohl dates P to the period between Solomon and Ahaz (pre-centralization), and H to the time of Ahaz or Hezekiah, placing

[16] Wellhausen, *Prolegomena*, 133–41.

[17] Wellhausen, *Prolegomena*, 143. See also Aelred Cody, *A History of the Old Testament Priesthood*, AnBib 35 (Rome: Pontifical Biblical Institute, 1969). Risto Nurmela, *The Levites: Their Emergence as A Second-Class Priesthood*, SFSHJ 193 (Atlanta: Scholars Press, 1998), affirms Wellhausen's reconstruction of the priesthood, but nuances it with his own proposal that the portrayal of a divided priesthood reflects tensions between northern and southern Israel in the pre-exilic period. Namely, Nurmela asserts that the Aaronide priests originated in Bethel (due especially to Aaron's late inclusion in the Exodus 32 golden calf narrative, and the presence of a golden calf in Bethel's cult), whereas the local high place priests became Levites.

[18] Wellhausen, *Prolegomena*, 140. Raymond Abba, "Priests and Levites in Ezekiel," *VT* 28 (1978): 1–9, has proposed the greatest challenge to the traditional interpretation of non-Zadokite Levites in Ezekiel 44 by analyzing the plausibility of different explanations for their origins. Although these Levites could be priests of the high places who were abolished by Josiah (2 Kgs 23:8-9), Abba proposes several alternatives and suggests that the most likely explanation for the discipline of Levites in Ezekiel 44 is that Northern Israelite sanctuary priests who were involved specifically in Jeroboam I's calf worship (1 Kgs 12:28-32) were being demoted to Levite the status/class, which was already long in existence.

[19] Aly Elrefaei, *Wellhausen and Kaufmann: Ancient Israel and Its Religious History in the Works of Julius Wellhausen and Yehezkel Kaufmann*, BZAW 490 (Berlin: De Gruyter, 2016); Baruch Schwartz, "The Pentateuch as Scripture and the Challenge of Biblical Criticism: Responses among Modern Jewish Thinkers and Scholars," in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer (New York: New York University Press, 2012), 203–29. Bill Arnold, "Israelite Worship as Envisioned and Prescribed in Deuteronomy 12," *ZABR* 22 (2016): 170–74; Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*, VTSup 67 (Leiden: Brill, 1996); Mark Awabdy, *Immigrants and Innovative Law: Deuteronomy's Theological and Social Vision for the* גר, FAT 2 67 (Tübingen: Mohr Siebeck, 2014).

both before Deuteronomy.[20] Weinfeld attributes the differences between D and P to sociological distinctions, rather than chronology, and suggests that they are essentially concurrent.[21] Menaḥem Haran dates P to the time of Hezekiah or the fall of the northern kingdom.[22] Haran also provides a counter-reconstruction to the traditional Wellhausian model. Whereas the traditional model suggests a transition of priestly functions that ultimately ended up in the hands of a Levitical priesthood, Haran asserts that Levitical priesthood had always been the norm, with roots back to J and E (pre-centralization).[23] Thus, Haran observes that the priesthood in Israel was derived from ancient Near Eastern roots, rather than existing as a wholly unique entity in ancient Near Eastern cultic history. In the present study I favor an early date for P and a view of the Israelite cult as more or less derived from the ancient Near Eastern model, albeit with unique innovations.[24]

In P, the Levites represent the entire collection of descendants from the patriarch Levi (Exod 6:16-18) and a subset of those descendants who did not belong to the exclusive priestly family of Aaron (28:1). To clarify, I will hereafter use the terms "priests/priestly" to refer to those who perform primarily sacrificial tasks (e.g., altar service) associated with the Aaronide priests, and "Levites/Levitical" to refer to the remaining non-priestly members of the tribe of

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[20] Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995), 209.

[21] Weinfeld, *Deuteronomic School*, 180. Weinfeld places P slightly earlier than D. However, his entire assessment assumes that P is a product of the cult and D is a humanistic product of wisdom writers (183-89). Although the authorship of D may be questioned, Weinfeld's suggestion that ideology, not chronology, was the primary basis for differences between P and D is a valid alternative interpretation.

[22] Menahem Haran, *Temples and Temple-Service in Ancient Israel: An Inquiry into Biblical Cult Phenomena and the Historical Setting of the Priestly School* (Winona Lake, IN: Eisenbrauns, 1985), 3–9, 132-49. Haran also suggests that the reforms of Hezekiah and Josiah, which shared a common ideology, inspired the P and D documents, respectively. Cf. David Noel Freedman, "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran," *BA* 43 (1980): 121; Jacob Milgrom, "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran," *CBQ* 42 (1980): 100; Walter Brueggemann, "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran," *JAAR* 48 (1980): 456; Baruch Levine, "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran," *JBL* 99 (1980): 450, emphasizes the distinctiveness of P from D.

[23] Haran, *Temples and Temple-Service*, 83. He concedes that there were some exceptions to this norm.

[24] My use of JEDP labels is a matter of convention, not necessarily a subscription to historical criticism.

Levi who did not function as priests, following the distinction of two cultic personnel that we observe in P.[25] The functions of the Levites in the pre-centralization period were to transport and maintain the tabernacle and its implements based on their lineage,[26] and to protect the tabernacle from spatial encroachment by camping around it and executing trespassers of priestly territory and responsibilities.[27] This protective role is described as שׁמר משׁמרת, "to perform guard duty," which also refers to their role in assisting the Aaronide priests with various ritual procedures, except rituals directly involving the altar or the furniture of the sanctuary.[28] These Levitical cultic roles were not technically priestly, since altar service and other priestly duties were assigned in the priestly tradition to the family of Aaron, a sub-clan of the tribe of Levi, but they *were* often associated with cultic rituals (see chapter two for a discussion of ritual).

The right to fulfill these cultic roles is justified by the Levites' overarching function as firstborn substitutes (see chapter three). Whereas the first agricultural produce (Exod 23:16, 19) and the first animal offspring (Num 18:15-17) were dedicated to the Israelite cult, the Levites were taken as sacrificial substitutes (lit. a "wave offering," Num 8:11) for firstborn Israelite children.[29] In effect, the Levites functioned as debt-slaves, given from Israel to God to perform

[25] However, even this definition is complicated, since the people who would be understood as the Levites in D and P seem to have been the priests of the high places pre-centralization, and thus they performed priestly roles.

[26] Numbers 4; 7:4-9.

[27] Numbers 1:47-54; 3:5-10; 31:30, 47.

[28] Numbers 18:2-4. Jacob Milgrom, *Studies in Levitical Terminology: The Encroacher and the Levite, the Term 'Aboda*, Near Eastern Studies 14 (Berkeley: University of California Press, 1970), 9–16, identifies the phrase not only in P, but in all the sources so that משׁמרת probably had the original meaning of "guard post." It is especially associated in P with the protective encampment of the Levites around the Tabernacle, though it also refers to guarding with weapons and will-power (metaphorically), and a guarding ritual practice by helping the laity with their sacrifices (Num 16:9b and Ezek 44:6-14). Milgrom summarizes that when שׁמר משׁמרת is used in general, it refers to guarding from taboo, but when applied to the sanctuary it refers to the protective role of the Levites to execute an encroaching זר.

[29] Numbers 3:11-13, 40-43, 44-51; 8:14-19; 18:15.

work that would repay the interest owed on Israel's debt to God.[30] Then they were given by God to the Aaronide priesthood to perform the משמרת of the Tabernacle (Num 3:5-10), and were compensated with 90% of the tithe which is described as their inheritance in lieu of landed inheritance in Israel.[31]

Levitical responsibilities in the priestly tradition are generally upheld within the Deuteronomic and related traditions. In Joshua, the lack of Levitical landed inheritance is due to their inheritance of sacrifices, YHWH, and the priesthood.[32] In Judges, the roles and behaviors of the Levites are unique, but they are not fully atypical.[33] In 1 and 2 Samuel, and 1 Kings, the Levites (or possibly just the priests) were responsible for transporting and handling the ark (1 Sam 6:15; 2 Sam 15:24) and/or cultic utensils (1 Kgs 8:4). The presentation of Jeroboam's non-Levitical cult as a sinful deviation likewise assumes a standard of Levitical priesthood comparable to the priestly tradition (1 Kgs 12:31).[34] Besides the roles of priests and Levites at

[30] Ada Taggar-Cohen, "Law and Family in the Book of Numbers: The Levites and the Tidennūtu Documents from Nuzi," *VT* 48 (1998): 85. On general debt-slavery in Israel see Gregory Chirichigno, *Debt-Slavery in Israel and The Ancient Near East*, JSOT Sup 147 (Sheffield: Sheffield Academic, 1992). I will discuss this topic in greater detail in chapter three.

[31] Numbers 18:21-31. The Levites also received 2% of the booty of Midian (Num 31:30, 47).

[32] Joshua 13:14, 33; 14:3; 18:7. Although Joshua 13 and 14 refer to the tribe of Levi in general, 18:7 refers to them as Levites. Whether we read Josh 18:7 diachronically to suggest that all Levites at that time could serve as priests, contrary to the two-class system of P (i.e., Aaronide priests and Levitical cultic attendants), depends on the debate below over a similar interpretive issue in Deut 18:1-8; especially since Joshua is considered part of the DtrH.

[33] In Judges 17–18, the concept of a personal priest is not conceptually far removed from the idea of rural Levites in Deuteronomy. Likewise, in Judges 19–20 the shocking behavior of the wandering Levite functions as a sort of national משמרת by calling all Israel to rally against the Jebusites because of their vile behavior. The Levitical behavior in Judges might not be considered orthodox, but neither is it entirely abnormal.

[34] Since the prophetic literature spans pre- and post-centralization, I will only add here that the few references to Levites in the prophets seem to portray the Levites similar to how they appear in P. Namely, in Isaiah, Levites are regarded as a specific class of ritual specialist distinct from priests (Isa 66:21). In Jeremiah, Levites are referred to as those who minister to YHWH (Jer 33:19-22), but this is probably a reference to the Aaronide Priests, rather than non-priestly Levites. Likewise, in Malachi the scathing and vituperative critiques against the "sons of Levi" are directed towards the priests, rather than the non-priestly Levites (Mal 2:1-9; 3:3). Ezekiel contains the most significant references to Levites out of all the prophets. Besides general descriptions of the roles of Levites as those who minister in the temple (Ezek 45:5), e.g., by overseeing the temple gates as guards and record-keepers, slaughtering the burnt offering and sacrifices for the people, and ministering directly to the people (44:11-14), in Ezek 44:6-31 the Levites were censured for leading Israel astray. Whereas they presumably had priestly responsibilities prior to Ezekiel 44, they were thereafter limited to the non-priestly roles described above.

the tabernacle and temple, the rural Levites mentioned in Deuteronomy are believed to have served as pre-centralization high place priests.

The high places (במה/במות) associated with Yahwistic worship were regarded as licit worship sites while the tabernacle remained at Shiloh in the pre-monarchical period.[35] Samuel's involvement with the high place sacrifice in 1 Sam 9:11-26 suggests that worship at the high places during this period was officiated by cultic personnel; however, explicit associations of priests with high places are only attested during the monarchical period.[36] Scholars have inferred that the rural Levites of Deuteronomy were the pre-centralization high place priests, based on 2 Kings 23:8-9.[37] Although this text never explicitly links the high place priests with the rural Levites, their correlation is inferred based on: 1) their location of service pre-centralization, namely, the priests of the high places were located in the "cities of Judah" and the "high places of the gates" (2 Kgs 23:8) and the "Levite in your gates" was likewise associated with the gates and more generally with the cities (e.g., Deut 12:12),[38] and 2) their location post-centralization, namely, the priests of the high places remained in the local towns to "eat unleavened bread with

[35] Donna L. Petter, "High Places," in *Dictionary of the Old Testament: Historical Books*, ed. Bill T. Arnold and H. G. M. Williamson (Downers Grove, IL: IVP, 2005), 413–14. The assumption that the high places which are polemicized throughout Kings (e.g., the recurring phrase in 12:3; 14:4; etc.), and which were decommissioned by Hezekiah and Josiah (2 Kgs 18:22; 23:5, 8-9; cf. 21:3) were originally licit is supported, e.g., by Samuel and prophets using high places as licit cultic locations (1 Sam 9:12-27; 10:5-13) and a less than positive concession that Solomon used high places because a temple had not yet been constructed (1 Kgs 3:2-5). It seems that the high places originally functioned in conjunction with the main cult at Shiloh, since they included such activities as: sacrifices (1 Sam 9:12-13; 1 Kgs 3:2-3), incense burning (1 Kgs 3:3), ceremonial feasts (1 Sam 9:11-26), prophetic inspiration (1 Sam 10:5-8), and divine revelation (1 Kgs 3:5-15).

[36] I.e., 2 Kgs 23:5, 8-9, 19-20. Cf. Petter, "High Places," 416–17. 1 Kgs 12:31; 13:33; and 17:32 are also noteworthy because they attest to the installation of high place priests. Whereas, the installation of high place priests seems to be standard procedure here, 1 Kgs 12:31 highlights their non-Levitical genealogy as a deviation from the norm. Chronicles presents the high places less negatively than does Kings (e.g., 1 Chron 16:39-40; 21:29; 2 Chron 1:1-13; 2 Chron 33:17).

[37] Marvin A. Sweeney, *I & II Kings*, OTL (Louisville, KY: Westminster John Knox, 2007), 448; Ziony Zevit, *The Religions of Ancient Israel: A Synthesis of Parallactic Approaches* (New York: Continuum, 2001), 657–58.

[38] Daniel Frese, "A Land of Gates: Covenant Communities in the Book of Deuteronomy," *VT* 65 (2015): 33–52; and Frese, "The Civic Forum in Ancient Israel: The Form, Function, and Symbolism of City Gates" (PhD Diss, University of California, 2012).

their brothers" (2 Kgs 23:9) and the "Levite in your gates" was likewise understood to reside in the local towns most of the time.[39] The only major difference between the presentation of the high place priests in 2 Kings 23 and the rural Levites in Deuteronomy is that the high place priests "did not go up to the altar of the Lord in Jerusalem" (2 Kgs 23:9), whereas Deut 18:6-7 envisions the rural Levites journeying to the sanctuary to serve, and several other texts exhort the lay Israelite not to עזב, "leave behind" the rural Levite in the towns when he and his family participated in the חגים.[40] This difference is the basis for Wellhausen's interpretation (noted above) that Deuteronomy intended the rural Levites to be incorporated into the Jerusalem priesthood as full priests, though (in his opinion) by the time of Ezekiel 44, ChrH, and P they had become second-tier cult personnel beneath the priests. So, the rural Levites in Deuteronomy seem to have originated as priests of rural high places, which were regarded as licit worship sites in the pre-centralization era, and they fulfilled the same kinds of roles that priests in Jerusalem fulfilled, e.g., sacrifice. After cultic centralization had been implemented and the nation had experienced exile and restoration, the Levites are referenced frequently in Chronicles, Ezra, and Nehemiah (ChrH) in numerous roles.

The Levites functioned in virtually every capacity within the temple, i.e., "all the service of the tabernacle of the house of God," (1 Chron 6:48) in the service of the priests.[41] The only exceptions were priestly duties at the altar and within the sanctuary. As in P, their service is

[39] However, the rural Levites' presence was desired for the three annual חגים, "pilgrimage festivals," (Deut 12:12, 18, 19; 14:27; 16:11, 14; 26:11) and they were welcome to journey to the sanctuary "whenever [their] heart desired" (Deut 18:6).

[40] Deuteronomy 12:19; 14:27. On the interpretation of עזב as "leave behind," see chapter three.

[41] 1 Chronicles 23:32; 2 Chron 23:6.

referred to as משׁמרת,[42] but in Chronicles this term was extended to include responsibility over:[43] guarding the temple gates,[44] collection of funds and storage of items in the temple treasury,[45] baked goods,[46] standards of economic exchange (i.e., weights and measures),[47] musical service as singers and instrumentalists,[48] temple maintenance and construction,[49] and various scribal functions.[50] Also as in P, the Levites were entitled to a portion of cultic offerings including tithes and firstfruits at the temple[51] and local tithes in rural areas.[52] Besides these expansions of משׁמרת, the Levites served several other roles in Chronicles, some of which uniquely overlap with priestly roles. Whereas in the priestly traditions the Aaronide priests solely functioned at the altar, the Levites were responsible for offering burnt offerings (1 Chron 23:28-32). Several non-cultic roles are also expanded upon in Chronicles, many of which might have a bearing on our investigation of the roles of Levites in Deuteronomy. These forms of Levitical non-cultic משׁמרת included: functioning as bodyguards for the King (2 Chron 23:5), serving as officers and judges under the judges in Jerusalem (1 Chron 23:4; 2 Chron 19:8-11), and teaching and explaining

[42] Milgrom, *Studies*, 12–13. Milgrom interprets the use of משׁמרת in Chronicles as an expansion of earlier more ancient משׁמרת found in P.

[43] Note the general lists in 1 Chron 23:28-32 and 2 Chron 34:11-13.

[44] 2 Chronicles 23:4, 19; 34:11-13; Neh 13:22.

[45] 1 Chronicles 9:26; 23:5; 26:17-20; 2 Chron 15:14-15; 24:4-7, 11; Ezra 8:30; Neh 12:25, 13:13; In 2 Chron 31:12 Levitical scribal skill is applied to recording the tithed and consecrated goods that would be stored in the treasury. Levites were also responsible for ensuring the distribution of the tithe to priests and Levites, even those living in rural areas (2 Chron 31:11-19).

[46] 1 Chronicles 9:31; 23:28-29.

[47] 1 Chronicles 23:32; Ezra 8:33.

[48] 1 Chronicles 9:33; 15:16; 23:5; 2 Chron 7:6; 20:19; 29:25, 30; 30:21; 34:11-13; Ezra 3:10; Neh 11:17, 22; 12:8, 24.

[49] 1 Chronicles 23:4; 2 Chron 34:11-13; Ezra 3:8-9; Neh 3:17; 11:16.

[50] 1 Chronicles 24:6; 2 Chron 34:11-13.

[51] 2 Chronicles 31:4; Neh 10:34-39; Neh 12:44-47. It is noteworthy that in Nehemiah 12 the Levitical tithe is not attributed directly to their lack of inheritance (as in P, D, and Chronicles), but is attributed to their service.

[52] Nehemiah 10:37; cf. Deut 14:28-29.

Torah in public assembly and throughout Judah.[53] Additionally, the Levites in Chronicles display unique ritual specialization and innovation.

During the cleansing of the temple under Hezekiah (2 Chron 29:15-19), the Levites display their unique ability and license to traverse cultic and non-cultic boundaries. Whereas the priests were limited to cleansing the "upper part" (i.e., sanctuary) of the temple, the Levites received the unclean items in the courtyard of the temple, carried them through non-sacred space, and threw them into the unclean Kidron Valley (2 Chron 29:16). During the consecration of the temple under Hezekiah, when too few priests were available to facilitate the offerings, the Levites helped to skin the animals and were even commended for being more conscientious about consecrating themselves for cultic service than the priests had been (2 Chron 29:34). A similar ritual innovation transpired at Hezekiah's feast of Unleavened Bread and Passover, during which the Levites were responsible for handing the blood of the sacrificial animals to the priests and for performing cultic slaughter because insufficient numbers of priests had become consecrated (2 Chron 30:16-17). Likewise, at Josiah's Passover, the Levites slaughtered, bled, and skinned the animals.[54] They were attributed with doing everything except altar service.

These ritual innovations hold three significant implications that are relevant to our investigation of Levitical roles in Deuteronomy. First, the ability of Levites to serve in typically priestly roles suggests that ritually pure, lower status Levites were preferred to ritually unclean, higher status priests. This does not mean that genealogy was irrelevant, since only the Levites were considered acceptable priestly substitutes, but Israelites from other tribes were not. Second, the Levites, as a tribe designated for ritual specialization would have had a deeper level of ritual

[53] 2 Chronicles 17:7-9; 35:3; Neh 8:7-9. They also helped lead some Israelites to repentance and covenant renewal in Neh 9:1-5.

[54] 2 Chronicles 35:11-15. Levites also functioned as slaughterers of the Passover animals on behalf of the priests and themselves (Ezra 6:20), suggesting that in the post-exilic period this role may have been commonplace.

knowledge and experience than the lay Israelite, which qualified them to perform rituals in the cultic sphere. Although Levitical roles were typically non-priestly, the four events above suggest that they had adequate exposure to and knowledge of priestly rituals by virtue of their משׁמרת, that they were able to perform them accurately and efficaciously when necessary. Finally, it is noteworthy that these Levitical cultic innovations are attributed to the reigns of Hezekiah and Josiah, the two kings to whom Deuteronomy's cultic centralization program is also often attributed. If the rural Levites had been the priests of the high places pre-centralization, their ability to perform priestly roles may have drawn not just from their observations of the priests at the central sanctuary, but also from their own hands-on experience as former priests.

So, we see that post-centralization the roles (משׁמרת and עבדה) of the Levites seem to have been expanded from what they were in pre-centralization P. But how much did post-exilic texts expand upon the pre-centralization roles of the Levites, and/or how much did they innovate entirely new roles? Should we regard as expanded or innovated the roles that are explicit in post-exilic texts, but absent from pre-centralization texts? Or is it possible (or likely) that post-exilic texts describe roles that had long been in existence throughout the monarchical period, as Chronicles seems to suggest?[55] Throughout the entirety of the Hebrew Bible, the following roles are performed by the Levites:[56]

[55] This is contrary to the traditional position that the post-exilic (LBH) texts retrojected their cultic system onto the past, including the monarchical period and the wilderness period. Cf. Wellhausen, *Prolegomena to the History of Israel*, 121–51. However, as Yeong Seon Kim, *The Temple Administration and the Levites in Chronicles* (Washington, D.C.: CBAA, 2013), 162–71. suggests, the issue does not necessarily concern the innovation of new roles in LBH texts. Rather, the focus tends to be on who performed these roles in a given period of history. Whereas the Levites (and other personnel who are incorporated into the Levites) were responsible for a large number of roles in the LBH texts, the traditional view holds that these roles seem to have been performed by other groups in earlier texts and periods.

[56] 1 Chronicles 6:33 summarizes Levitical responsibility as all the עבדה of the cultic sphere. Additionally, 1 Chron 23:28-32 classifies the following Levitical tasks as their משׁמרת: work in the courts, in storage rooms, purification of holy things, temple service, showbread, grain offering flour, unleavened wafers, pan-baked items,

1. Firstborn substitution/cultic debt-slaves (Num 3:5-13, 40-43, 44-51; 8:14-19; cf. chapter three below).
2. Construction and maintenance of cultic structures and furnishings (Num 1:47-54; 3:5-10; 1 Chron 23:4; Ezra 3:8-9; Neh 3:17; Neh 11:16).[57]
3. Guarding sacred space and rites from lay Israelites, e.g., as gatekeepers, keepers of storehouses and/or the treasury, and overseers of purification rites (Num 1:47-54; 3:5-10; 31:30, 47; 1 Chron 9:26; 23:5; 26:17, 20; 2 Chron 15:14-15; 23:4, 19; 29:15-19; 34:11-13; Neh 12:25; 13:13, 22).
4. Transporting, maintaining, and/or storing cultic items and resources (Numbers 4, 7:4-9; 1 Sam 6:15; 2 Sam 15:24; 1 Kgs 8:4; 1 Chron 15:2, 11-15; 2 Chron 24:11; Ezra 8:30; cf. #12 and 13 below).
5. Assisting the priests in performing cultic rituals, usually the aspects of service that did not involve contact with the altar or sanctuary furniture, e.g., offering preparation or some blood-handling (Num 18:2-4; 1 Chron 23:28-32; 2 Chron 23:6; 29:34; 30:16-17; 35:11-15; Ezra 6:20).
6. Accounting for measured goods (1 Chron 9:31; Ezra 8:33).
7. Musical service (1 Chron 9:33; 15:16; 23:5; 2 Chron 7:6; 20:19; 29:25, 30; 30:21; 34:11-13; Ezra 3:10; Neh 11:17, 22; 12:8, 24).
8. Judicial service (1 Chron 23:4; 2 Chron 19:8-11; 34:11-13; Cf. #10).
9. Scribal duties (1 Chron 24:6; 31:12; 34:11-13).

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mixed items, weights and measures, thanksgiving and praise, offer burnt offerings. Such service can also be described generally as שׂרת (e.g., Ezek 45:5).

[57] The task of repairing the wall of Jerusalem (Neh 3:17) could be viewed as a non-cultic extension of Levitical משׁמרת and עבדה. However, it could also be regarded as a cultic task, since Israelites would have viewed the temple and the perhaps also the entire city of Jerusalem as the navel of the earth and a holy place (see chapter two).

10. Teaching Torah and/or administering covenant renewal (2 Chron 17:7-9; 35:3; Neh 8:7-9; 9:1-5).
11. Non-cultic bodyguards, e.g., of the king (2 Chron 23:5).
12. Collecting money from rural areas (2 Chron 24:4-7).
13. Distribution of tithes to rural Priests and Levites (2 Chron 31:11-19).

Although the antiquity of several roles is difficult to verify (i.e., roles #6-13), and some types of cultic slaughter seem to have undergone a change in agency,[58] several roles seem to have been performed by Levites throughout Israel's history (i.e., roles #1-5). Additionally, it is plausible that several roles which are only explicitly described in the post-exilic period had their origins in the pre-centralization period (i.e., roles #6, 7, 8, 9, 10, 12, and 13) and *could* have been subsumed under Levitical משמרת and עבדה. This is especially likely for the rural Levites who seem to have been the rural high place priests that would or could have performed many of these roles pre-centralization. Finally, besides developments in the Levites' cultic roles from the pre-centralization to post-centralization eras, we must consider how the rural Levites' non-cultic roles developed as a result of centralization. Among the many roles attributed to the Levites in post-exilic/post-centralization texts, those that appear in a rural non-cultic setting include: collecting money from rural areas (2 Chron 24:4-7) and receiving tithe distributions in rural areas (2 Chron 31:11-19). With pre- and post-centralization Levitical roles in mind, we will consider the immediate impact of cult centralization on the rural Levites in Deuteronomy.

[58] Slaughter of the שלמים (peace offering) was performed by the lay Israelite in Lev 3:2, but this task seems to have been taken over by cultic personnel by the post-exilic period (1 Chron 23:31; 2 Chron 29:34; 30:16-17; 35:11-15).

C. The Immediate Impact of Cult Centralization on the Rural Levites in Deuteronomy

Scholars have traditionally regarded the rural Levites as the group most impacted by Deuteronomic centralization. Based on: 1) the assumption that prior to Hezekiah and Josiah the rural Levites were the priests of originally licit local high places, 2) Deuteronomy's frequent references to rural Levites with the גר, widow, and orphan,[59] 3) Deuteronomy's frequent reminders that the Levite, אין לו חלק ונחלה אתכם "has no portion or inheritance with you,"[60] and 4) Deuteronomy's reminders not to leave behind (עזב) the rural Levite (Deut 12:19; 14:27), scholars have traditionally regarded the rural Levites as a group who were disenfranchised from the local high place cults, and subsequently impoverished (or economically vulnerable) as a result of centralization. Aelred Cody summarizes, "The priests serving country sanctuaries were *ipso facto* put out of sanctuary work…the Levites as a whole eventually found themselves completely out of any secure sanctuary work."[61] Going back at least as far as Wellhausen, this notion of the poor rural Levites has become so widespread that it is assumed by many of scholars as incontrovertible fact.[62] I will refer to this assumption as the Impoverished Rural Levite Hypothesis.

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[59] Deuteronomy 14:29; 16:11, 14; 26:12, 13.

[60] Deuteronomy 10:9; 12:12; 14:27, 29; 18:1.

[61] Cody, *A History of the Old Testament Priesthood*, 128; Halpern, "Jerusalem and the Lineages in the Seventh Century BCE: Kingship and the Rise of Individual Moral Liability," 59; Wellhausen, *Prolegomena*, 146; Haran, *Temples and Temple-Service*, 62; William S. Morrow, *An Introduction to Biblical Law* (Grand Rapids: Eerdmans, 2017), 221; Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in Their Ancient Near Eastern Context* (Berlin: De Gruyter, 2011), 235–37.

[62] Proponents of the Impoverished Rural Levite Hypothesis include: Wellhausen, *Prolegomena*. Though he never explicitly claims that the rural Levites would have been impoverished. Instead, he observes that the rural Levites had no land (156), had no way of serving locally (140), and had a diminished share in the central sanctuary service (140). He states, "with the high places fell also the priests of the high places."(146-47) So, Wellhausen seems to espouse the idea that the Levites had no role in the שׁערים, and that they were given part of the triennial tithe only because they were landless. Also Moshe Weinfeld, *Deuteronomic School*, 55 n 1, writes , "The Levite existed side by side with the priest (כהן) from very old times, but he became destitute only after the reform;" Gerhard von Rad, *Studies in Deuteronomy*, trans. David Stalker, SBT 9 (Chicago: SCM, 1953), 67; Gerhard von

Von Rad, when explaining his hypothesis for Levitical authorship of Deuteronomy, assumes the impoverished status of the Levites and makes extra effort to explain why the Levites could have been authors of a book that is responsible for their reduced status. He argues that the centralization feature of Deuteronomy was a "late and final adaptation of many layers of material," and was not part of the Levitical authors' original composition.[63] Weinfeld criticized von Rad's thesis on the same grounds. Weinfeld rejected Levitical authorship of Deuteronomy because the Levites were the ones who were disenfranchised and impoverished by cult centralization, assuming they served as pre-centralization local shrine priests and later became uniquely associated with the *personae miserae*.[64] In Weinfeld's view, the Levites who had fallen so far from socio-political status were ill-suited to write a book with so much interest in national and political developments as one finds in Deuteronomy. Although scholars may disagree about subtle details surrounding the rural Levites, their impoverished status is often taken for granted.

Rad, *Deuteronomy* (Philadelphia: Westminster, 1966), 103; Jack Lundbom, *Deuteronomy* (Grand Rapids: Eerdmans, 2013), 485; Jacob Milgrom, *Leviticus 23-27: A New Translation with Introduction and Commentary*, AB v. 3B (New York: Doubleday, 2001), 2433, writes "The Levites are invited to the [annual tithe] meal not as a matter of Deuteronomy's well-attested charity, but as a consequence of Deuteronomy's guilt for having deprived the Levites of their prior rights to the tithe;" Peter C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 234. Norbert Lohfink, "The Laws of Deuteronomy: A Utopian Project for A World without Any Poor," *ScrB* 26.1 (1996): 11, even states "we should not consider the levites to be poor people – however widely held this opinion may be in commentaries on Deuteronomy and other exegetical studies" (cf. especially 12-13). Against the Impoverished Rural Levite Hypothesis are: Jeffrey C. Geoghegan, "'Until This Day' and the Pre-Exilic Redaction of the Deuteronomistic History," *JBL* 122 (2003): 226; Mark Leuchter, "'The Levite in Your Gates': The Deuteronomic Redefinition of Levitical Authority," *JBL* 126 (2007): 419, writes "The rhetoric of Deuteronomy evidences a desire to appeal to public memory, and part of that appeal would have necessitated some continued role for the local Levites still among the public, though it is clear that this role could in no way be cultic in nature." Cf. Jeffrey C. Geoghegan, *The Time, Place, and Purpose of the Deuteronomistic History: The Evidence of "Until This Day,"* BJS 347 (Providence, RI: Brown Judaic Studies, 2006), 84-95; J. Gordon McConville, *Deuteronomy*, ApOTC 5 (Downers Grove: IVP, 2002), 252, adds "Levites are not by definition poor; neither are widows, orphans, or resident aliens." It is unclear where Richard D Nelson, *Deuteronomy*, OTL (Louisville, KY: Westminster John Knox, 2004), 186; Jeffrey Tigay, *Deuteronomy*, JPS Torah Commentary (Philadelphia: JPS, 1996); or Mark E. Biddle, *Deuteronomy*, SHBC (Macon, Ga: Smyth & Helwys Pub, 2003), stand. Biddle implies that Levites require special care in local areas if they don't have local sanctuaries to rely upon for income, but they don't require special care if the local sanctuaries continue to function during centralization (206, 254).

[63] Gerhard von Rad, *Studies in Deuteronomy*, 67.

[64] Weinfeld, *Deuteronomic School*, 55. He also rejects von Rad's late redaction explanation and adds that Deuteronomy is the only place where the Levite is added to the list of the poor, גר, orphan, and widow (cf. Exod 22:20-24; 23:9; Lev 19:10; 23:22).

Despite the assumption that the rural Levites performed no role in Deuteronomy's post-centralization towns, they seem to have formed an important link between the towns and the central sanctuary. This took the form of new cultic roles at the central sanctuary, and perhaps ongoing non-cultic roles in the towns. Deuteronomy 18:1-8 describes the service of הכהנים הלוים כל־שבט לוי, "the priests, the Levites, all the tribe of Levi," (18:1) and notably הלוי מאחד שעריך, "the Levite from one of your gates," (18:6) who is envisioned coming from the towns to the sanctuary to serve there. Due to the ambiguity of the language in Deut 18:1, scholars have debated whether Deuteronomy envisions these Levites performing priestly duties (as they seem to have performed as high place priests) or whether they were a secondary class of cultic personnel who served the priests and performed other cultic tasks unrelated to priestly duties, e.g., as they did in P.[65]

Regardless of where one stands on the interpretation of Deut 18:1-8, the rural Levites had ongoing cultic roles at the sanctuary. Despite the occasional nature of their presence at the

[65] The two sides of this issue are championed by Wellhausen, *Prolegomena*, 33–34, 123, 131, 146, who interpreted the Levites as potential priests, and G. Ernest Wright, "The Levites in Deuteronomy," *VT* 4 (1954): 326–28, who interpreted the Levites as secondary cultic personnel who served the priests, as in P. Following Wellhausen are J. A. Emerton, "Priests and Levites in Deuteronomy: An Examination of Dr. G. E. Wright's Theory," *VT* 12 (1962): 133–38; Haran, *Temples and Temple-Service*, 62 n 7; Cody, *A History of the Old Testament Priesthood*, 129; P. J. Budd, "Priestly Instruction in Pre-Exilic Israel," *VT* 23 (1973): 132; Ada Taggar-Cohen, "Covenant Priesthood: Cross-Cultural Legal and Religious Aspects of Biblical and Hittite Priesthood," in *Levites and Priests in Biblical History and Tradition*, ed. Mark Leuchter, AIL 9 (Atlanta: SBL, 2011), 22–23; Nurmela, *The Levites*, 149, 153-56; Leslie Hoppe, "The Levitical Origins of Deuteronomy Reconsidered," *BR* 28 (1983): 27–36; Sarah Shectman, "The Social Status of Priestly and Levite Women," in *Levites and Priests in Biblical History and Tradition*, ed. Mark Leuchter, AIL 9 (Atlanta: SBL, 2011), 96 n 53, 97; Jeffrey Stackert, "The Cultic Status of the Levites in the Temple Scrolls: Between History and Hermeneutics," in *Levites and Priests in Biblical History and Tradition*, ed. Mark Leuchter, AIL 9 (Atlanta: SBL, 2011), 201–202. Following Wright are Raymond Abba, "Priests and Levites in Deuteronomy," *VT* 27 (1977): 257–67; Jacob Milgrom, "The Shared Custody of the Tabernacle and a Hittite Analogy," *JAOS* 90 (1970): 205–208; J. Gordon McConville, *Law and Theology in Deuteronomy*, JSOTSup 33 (Sheffield: Sheffield Academic, 1984), 140, 148-49; Rodney Duke, "The Portion of the Levite: Another Reading of Deuteronomy 18:6-8," *JBL* 106 (1987): 193 n 2, 196, 199; and possibly Peter Altmann, "What Do the 'Levites in Your Gates' Have to Do with the 'Levitical Priests'?: An Attempt at European-North American Dialogue on the Levites in the Deuteronomic Law Corpus," in *Levites and Priests in Biblical History and Tradition*, ed. Mark Leuchter, AIL 9 (Atlanta: SBL, 2011), 135–54.

sanctuary, which the phrase בכל-אות נפשו, "according to every desire of his heart" (Deut 18:6) seems to convey, their importance to the central sanctuary may have been emphasized by phrases like "do not עזב the rural Levite" (12:19; 14:27), which I will suggest in chapter three may have been intended to ensure rural Levitical attendance at the important חגים, when their work at the central sanctuary was probably desperately needed. Rather than remaining unemployed in the local towns, as the Impoverished Rural Levite Hypothesis suggests, the presence of the rural Levites at the central sanctuary seems to be important to Deuteronomy. Additionally, besides their roles at the central sanctuary, I believe that the rural Levites may have been responsible for performing several non-cultic roles and social-level rituals in the local towns.[66]

In the present study I will pursue a historical and ritual investigation of the plausibility of rural Levitical service in the areas of scribal administration (see chapter four), especially relating to the triennial tithe (Deut 14:28-29; 26:12-15), the exchange of annual tithes for silver (14:24-25), and locally initiated oaths and vows; and their service in non-cultic meat consumption (see chapter five), especially the triennial tithe (14:28-29), blemished firstborn (15:21-23), and clean animal meat consumption (12:15-16, 20-25; 14:3-20), as extensions of their cultic משמרת and עבדה based on their continued function and status as firstborn substitutes in Deuteronomy (see chapter three). In my investigation of rural Levitical service in non-cultic meat consumption, I will also investigate and consider the interrelationship of different types of non-cultic and cultic meat consumption within a system of graded sanctity.

[66] For a definition of social and domestic ritual see chapter two.

At the center of my investigation will be literary material from the book of Deuteronomy. However, Deuteronomy's lack of clarity in its description of the rural Levites and Deuteronomy's penchant for abbreviated or abridged descriptions of events and processes require investigation of other types of evidence to supplement Deuteronomy's presentation of the rural Levites. In the interest of methodological transparency, the presuppositions and supplementary evidence that I will utilize include: dating of Deuteronomy relative to other biblical texts,[67] Biblical evidence about the Levites outside of Deuteronomy,[68] extra-biblical evidence,[69] and methods of assessment.[70] So, the present study although intending to be literary

[67] Namely, a Hezekian or Josianic era date for the core of Deuteronomy, and the date of Deuteronomy relative to the Pentateuchal Priestly tradition (P). Granted, the date of Deuteronomy and its relationship with other biblical texts has been highly contested. My goal is not to assess those arguments, but to acknowledge where I stand before moving on to my own position. I favor a Hezekian or Josianic date for Deuteronomy based primarily on Levenson. This does not preclude the possibility that Deuteronomy was composed at earlier or later dates, though alternative dates could impact certain aspects of my assessment of Deuteronomy's rural Levites. I also favor a date of the Pentateuchal Priestly tradition (P) as mostly contemporaneous with Deuteronomy, as mentioned above. The relationship between P and D will be especially relevant in my assessment of the Levitical Entitlement Phrase (see chapter 3.I), and in Milgrom's assessment of the local slaughter method in Deuteronomy 12 (see chapter 5.I).

[68] I draw from material on the Levites outside of Deuteronomy to inform my assessment of Deuteronomy's rural Levites in several places. I will consider how the Levitical Entitlement Phrase in Deut 10:8-9 alludes to the role of Levites as firstborn substitutes in Numbers 3 and 18 (see chapter 3.I). I will also consider how the primary roles of Levites in P (עבדה and משמרת) expanded to include a variety of cultic and non-cultic roles in Deuteronomy (see chapter 3.II). I will also draw upon Levitical roles in Chronicles, Ezra, and Nehemiah to suggest possible antecedents in the roles of Deuteronomy's rural Levites.

[69] I draw from three sources of extrabiblical data. I use comparative ancient Near Eastern data, especially to inform my discussion of rural Levites as debt-slaves (see chapter 3.I) and my discussion of oaths and vows (see chapter 4.III). I use the Mishnah to inform my discussion of the ritual status of blood as water (see chapter 5.II) and the slaughter method in Deuteronomy 12 (see chapter 5.I). I also use the material culture of Iron Age Arad as a possible test case for the effects of centralization on rural towns (see chapter 4.I).

[70] The socio-anthropological method that I employ as the background for understanding the roles of Deuteronomy's rural Levites is focused more on function than historical events (see chapter 3). My use of this method is not intended for historical reconstruction. Rather, I use it as the basis for my inference that the rural Levites had ongoing roles in the local towns based on the analogies between people and roles in the towns and those in the central sanctuary. The ritual critical method that I employ (see chapter 5) is also not necessarily intended for historical reconstruction. Rather, it is used to analyze Deuteronomy's non-cultic slaughter, which happens to have a historical setting in the Iron Age. My consideration of economic data pertaining to the Iron I and II periods is concerned with historical reconstruction, especially in relation to the role of rural Levites as tithe administrators (see chapter 4.I). However, it is important to be open to the possibility that the roles of rural Levites could have developed over time, so that the historical background provided by the economic data may only impact this particular role of rural Levites as tithe administrators, and not necessarily their role as administrators of non-cultic meat consumption. Finally, my consideration of zooarchaeological evidence for meat consumption is concerned only marginally with historical reconstruction (see chapter 5.III). Although more nuanced studies could be pursued for meat consumption at individual sites, my consideration of the zooarchaeological data is more general and

and synchronic at its core, will often draw from diachronic materials that necessitate placing the overall investigation and its conclusions in a historical context.

II. Preliminary Observations Favoring Rural Levitical Administration

It is important to acknowledge from the outset that this investigation is of a highly theoretical nature. Thus, I cannot disprove the Impoverished Rural Levite Hypothesis, but only suggest an additional perspective from which we might view the rural Levite. However, despite Deuteronomy's paucity of details about the roles of the rural Levites, we have several reasons to suspect that in the wake of centralization they did not remain unemployed and poor, but instead continued to serve in non-cultic roles in the local towns.

First, I have already mentioned that the rural Levites were encouraged to go to the sanctuary in order to work there (Deut 18:6-8). I will suggest in chapter three that this encouragement was probably more of a polite command, intended to ensure that the Levites continued to receive centralized training and experience in cultic ritual processes, and to ensure that the Levites would be present especially for the busy חגים. Regardless of when or how often Deut 18:6-8 might have hoped the rural Levites would come to the sanctuary, their presence there is presented as a temporary and occasional excursion at best. For most of the year, the rural Levites would have remained in their respective towns. So, if the rural Levites were performing cultic tasks only part of the year when they were at the sanctuary, what were they doing the rest of the year? It seems unlikely that they were sedentary, performing no local roles at all and living off of their tithe allotments. They could have worked as farmers or pastoralists, but this seems to be a waste of their training in other disciplines. Ziony Zevit writes "Levites were the recognized

intended simply to inform our perception of what kinds of meat ancient Israelites ate and how often they ate it. These are features which were mostly consistent throughout the Iron Age.

bearers of common – though not necessarily uniform – tradition, so that whereas the myths may have been different [in different towns], the meaning and function of the various rituals may have been uniform."[71] It seems impractical for centralization to render impotent such important figures in Israelite society.

Second, besides being impractical, if the disenfranchisement of the rural Levites was intended to leave them functionless in society it would have also been theologically problematic. Role and function were central to ancient ontology and often divinely decreed as part of the creative process.[72] John Walton adds, "in the ancient Near East 'to create' meant to assign roles and functions, rather than to give substance to the material objects that make up the universe."[73] Thus, to remove or substantially alter the role and function of the rural Levites, much less to expose them to destitution, would amount to removing their divinely appointed function in society, i.e., de-creation. Their role could be transformed, but it seems unlikely that it could just be removed, even for an innovative theological agenda like centralization. Likewise, the ethic of rehabilitation of poor marginalized Israelites (Deut 15:12-15) mitigates against the idea that a substantial portion of Levites served no social function at all, subsisting merely on social charity by virtue of their former priestly status.

Third, the overarching function of Levites as socio-cultic intermediaries and ritual specialists in ancient Israel suggests that after being disenfranchised from the high places they could have continued to function as social intermediaries in the local towns. Unlike the priests, lay Israelites, and immigrants, who were all restricted vocationally and socially to either the cultic or social sphere, the function of Levites as firstborn substitutes allowed them to perform a

[71] Zevit, *Religions*, 657.
[72] Walton, *Ancient Near Eastern Thought*, 190, but all of chapter 8 is helpful on this topic.
[73] Walton, *Ancient Near Eastern Thought*, 184.

variety of roles across the socio-cultic spectrum that were derived from their עבדה and משׁמרת (see chapter three). Additionally, their training in various cultic tasks made them ideal candidates for analogous tasks in the social sphere, e.g., experience as cultic scribes and record-keepers could have prepared them to function as non-cultic scribes and record-keepers in the local towns (see chapter four). This kind of vocational flexibility and socio-cultic mobility was not unique to Israel's Levites.

An analog to the rural Levite as an intermediary and ritual specialist operating in the social and cultic spheres may be found in Ugarit's *Ṣitqānu* priest. *Ṣitqānu* appears in RS 13.006, where he is recorded slaughtering animals outside the city of Ugarit, joined by another figure *Ḫasānu*, who joins him in slaughtering sheep and goats. *Ṣitqānu* also appears in RS 15.072, where he is recorded in the same place, but slaughtering animals alone without dedicating them to a deity.[74] Pardee elaborates, "it appears that *Ṣitqānu*'s role here is not so much that of rural priest as that of one ritually empowered to slaughter animals outside a cultic context."[75] Although he asserts that this situation is not useful for comparison with non-cultic slaughter in Deut 12:15-16, 20-24 and Leviticus 17, his concern is with the slaughter in particular. For our purposes, the significance of these texts is not whether they exactly reflect the form of local slaughter in Deuteronomy 12, but that they evince the performance of non-cultic slaughter by a ritual specialist (*Ṣitqānu*) who was capable and licensed to slaughter in cultic and non-cultic contexts. Other comparable analogs are evident in ancient Egypt's priesthood.

Rosalie David notes that many of Egypt's temple workers who maintained the cultic facilities, prepared the offerings, and other lesser cultic tasks were "secular employees, but in

[74] Dennis Pardee, *Ritual and Cult at Ugarit*, WAW 10 (Atlanta: SBL, 2002), 119–21.
[75] Pardee, *Ritual and Cult*, 120.

some instances, when personnel performed both administrative and religious duties, they were also accorded priestly status."[76] Emily Teeter adds, "Qualification for the priesthood appears to have been based on the individual's knowledge of the priest's role and specific duties and, in some cases, on literacy."[77] Two classes of priests interest us most, the *wab* and lector priests.[78] *Wab* priests worked as scribes, metal smiths, gardeners, and guardians within the cultic sphere.[79] Lector priests (*ḫrj-ḥb*) were distinguished by their ability to read and write.[80] They were responsible for reciting specialized ritual texts (spells and incantations), performing ritual magic, and for scribal roles in the Egyptian administration.[81] They completed the same initiatory purification rites as priests, but did not perform daily rites and were not a part of the temple hierarchy, though they may have officiated rites occasionally.[82] Many lector priests were associated with the Egyptian "House of Life," and would have been familiar with subjects like: divine myths, god lists, hymns, temple decoration manuals, embalming rituals, funerary literature, magic, medicine, veterinary medicine, astronomy, mathematics, sacred geography, history, dream interpretation, etc.[83] In other words, Egypt's lector priests were well-acquainted with subjects across the socio-cultic spectrum, and they performed intermediary roles that linked the cultic and social spheres.[84] This is not to suggest that the Israelite cult borrowed directly from the Ugaritic or Egyptian cults, since there are also many differences between them. Rather the

[76] Toby A. H. Wilkinson and Rosalie David, eds., "The Temple Priesthood," in *The Egyptian World* (New York: Routledge, 2007), 110.

[77] Emily Teeter, *Religion and Ritual in Ancient Egypt* (Cambridge: Cambridge University Press, 2011), 18.

[78] *Wab* means "pure one."

[79] Teeter, *Religion and Ritual*, 17–18.

[80] Teeter, *Religion and Ritual*, 22.

[81] Herman te Velde, "Theology, Priests, and Worship in Ancient Egypt," in *CANE*, ed. Jack M. Sasson, vol. 3 of (New York: Scribner, 1995), 1747. Cf. Julianne Burnett, "Was Moses Perceived as a Magician? A Socio-Historical Exploration of Moses' Wonder-Working in the Narratives of the Pentateuch within the Context of Ancient Egyptian and Israelite Magic" (PhD Diss, University of Manchester, Forthcoming).

[82] Wilkinson and David, "Temple Priesthood," 113.

[83] Velde, "Theology, Priests, and Worship," 1747.

[84] Wilkinson and David, "Temple Priesthood," 113–14.

comparable examples of socio-cultically flexible ritual specialists in Ugarit and Egypt, and the function of Levites as intermediaries between the cult and society, e.g., as the "bearers of common tradition" prior to centralization (cf. Zevit above), suggest that after centralization it would have been plausible for the rural Levites to continue working in non-cultic roles.

III. Summary

In this introductory chapter, we have reviewed the identity and roles of the Levites in the Hebrew Bible before and after cult centralization, and have proposed some initial thoughts on how centralization may have impacted the rural Levites as they appear in Deuteronomy. It is possible that after becoming disenfranchised from the high places, the rural Levites remained unemployed and impoverished in the local towns. However, in the following chapters I will attempt to shed further light on the roles and status of rural Levites post-centralization. In chapter two, I will begin to explore the possible analogies between rural Levitical roles and their cultic analogs, using the three-tier hierarchical ordering of Israelite society based on analogically related binary oppositions. I will also set forth the means by which I will analyze ritual and ritual specialization, especially as these relate to the Levites' role in meat consumption, which I will investigate further in chapter five. Following the methods established by Catherine Bell, Mary Douglas, and Gerald Klingbeil, I will consider how the rural Levites' roles as cultic ritual specialists may have been manifest in analogous semi- or non-cultic roles in the towns. In chapter three, I will explore how the Levites' foundational role as substitutes for firstborn Israelite children is acknowledged even for the rural Levites in Deuteronomy, and how that role was the basis for the Levites' service as a category of ritual specialists who functioned flexibly in society and cult as socio-cultic intermediaries. In chapter four, I will investigate the plausibility of the rural Levites continuing to function in their towns in semi- or non-cultic scribal roles,

namely, administration of the triennial tithe (Deut 14:28-29), the local exchange of the annual tithe for silver (14:24-25), and the recording and/or witnessing of locally initiated oaths and vows. In chapter five, I will investigate the plausibility of the rural Levites continuing to function in their towns in semi- or non-cultic roles associated with meat consumption. I will also investigate the interrelationship of cultic and non-cultic meat consumption within a system of graded sanctity. I will attempt to demonstrate that the rural Levites may have been responsible for performing or overseeing certain types of slaughter that occurred in local semi- or non-cultic contexts. In chapter six, I will summarize my main points and suggest potential implications of this study for previous and future studies of the rural Levites in Deuteronomy.

Chapter 2: Socio-Anthropological and Ritual Critical Methodologies

In this chapter, I will assert that the roles of the rural Levites were non-cultic analogues of roles that were performed at the central sanctuary either by the Levites or by the priests (depending on one's reading of Deut 18:1-8). I begin with broad "structuralist" socio-anthropological observations of social structure, namely, the hierarchical ordering of society based on analogically related binary oppositions. I follow Catherine Bell, Mary Douglas, and Gerald Klingbeil in demonstrating that the way a society is structured tends to facilitate parallel or analogical manifestations of roles and responsibilities at various levels of that society. After establishing these features in structuralist socio-anthropological terms, I focus on the extent to which these structures were manifest in the cults of the ancient Near East. Then, I focus further upon the manifestations of these features in the Pentateuch, including several examples from Deuteronomy.

I. Socio-Anthropological Method and the Ancient Near Eastern Worldview

A. Socio-Anthropological Structure

The socio-anthropological method employed here is derived from those of Catherine Bell and Mary Douglas. Bell is primarily concerned with the relationship between ritual and society (i.e., "ritualization"), but her discussion of social structure is also helpful.[85] Mary Douglas, who shares similar perspectives on social structure, likewise provides a helpful perspective. The most basic structural components of a hierarchical society are binary oppositions, which "almost always involve asymmetrical relations of dominance and subordination by which they generate

[85] Catherine M. Bell, *Ritual Theory, Ritual Practice* (New York: Oxford University Press, 1992), 130. The relationship of ritual and sociology, i.e., the extent to which the former influences the latter or vice versa, is debated among sociologists and anthropologists. Bell asserts that ritual and ritual systems "do not function to regulate or control the systems of social relations', they are the system" (130). In Bell's assessment, ritual is therefore central to social formation.

hierarchically organized relationships."[86] These micro-level binary oppositions tend to form more complex hierarchical groupings within ritual systems, creating larger sets of macro-level oppositions (e.g., between central and local).[87] Although central and local religion may evince regionally unique hierarchies, they nevertheless operate on similar principles so that rituals tend to be repeated from the central to the local level down a "ritually constituted" social hierarchy.[88] Bell cites several examples from anthropological studies, but her most succinct observation is in her paraphrase of David McMullen's study of Chinese T'ang dynasty hierarchy. She paraphrases, "rites echoed other rites, implying them, assuming them, extending them."[89] Similarly, Douglas writes, "any culture is a series of related structures which comprise social forms, values, cosmology, the whole of knowledge and through which all experience is mediated."[90]

Gerald Klingbeil surveys several definitions for "ritual" and finds Jan Platvoet's definition the most helpful. Platvoet writes that ritual is:

> [T]hat ordered sequence of stylized social behavior that may be distinguished from ordinary interaction by its alerting qualities which enable it to focus the attention of its

[86] Bell, *Ritual Theory*, 102. Jonathan Z. Smith, *To Take Place: Toward Theory in Ritual*, CSHJ (Chicago: University of Chicago Press, 1992), 47–73, highlights the presence of multiple hierarchies in a society, based on different types of opposition (e.g., systems of status and power).

[87] Bell, *Ritual Theory*, 124–25.

[88] Bell, *Ritual Theory*, 129.

[89] Bell, *Ritual Theory*, 129; paraphrasing David McMullen, "Bureaucrats and Cosmology: The Ritual Code of T'ang China," in *Rituals of Royalty: Power and Ceremonial in Traditional Societies*, ed. David Cannadine and Simon Price (Cambridge: Cambridge University Press, 1987), 198–99. Mary Douglas, "Deciphering a Meal," in *Implicit Meanings: Essays in Anthropology* (London: Routledge, 1975), 258, on meals adds "A system of repeated analogies upholds the process of recognition and grading."

[90] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London: Routledge, 1991), 129.

> audiences…onto itself and cause them to perceive it as a special event, performed at a special place and/or time, for a special occasion and/or with a special message.[91]

In the context of the present discussion, ritual as defined here would not necessarily apply to every type of action, location, time, objects, participants, etc. carried out within a culture, but to "special" elements that are in some way distinct from ordinary elements. However, this does not mean that "ordinary" elements could not share features in common with ritual elements. Rather, at all levels of the social hierarchy the rituals inform one another by analogy, with the result that they help to structure and cohere the social hierarchy. Within this "loosely integrated" social structure, "each element 'defers' to another in an endlessly circular chain of reference."[92] A helpful illustration is available in Douglas' elucidation of binary opposition and analogical relationships using the subject of contemporary meals. Douglas writes:

> To sum up, the meaning of a meal is found in a system of repeated analogies. Each meal carries something of the meaning of the other meals; each meal is a structured social event which structures others in its own image. The upper limit of this meaning is set by the range incorporated in the most important member of its series. The recognition which allows each member to be classed and graded with the others depends upon the structure common to them all…there is no single point in the rank scale, high or low, which provides the basic meaning or real meaning. Each exemplar has the meaning of its structure realized in the examples at other levels.[93]

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[91] Jan Platvoet, "Ritual in Plural and Pluralist Societies: Instruments for Analysis," in *Pluralism and Identity: Studies in Ritual Behavior*, ed. Karel van der Toorn (Leiden: Brill, 1995), 41; cf. Gerald Klingbeil, *Bridging the Gap: Ritual and Ritual Texts in the Bible*, BBRSup 1 (Winona Lake, IN: Eisenbrauns, 2007), 18.

[92] Bell, *Ritual Theory*, 101; Douglas, "Deciphering a Meal," 251. Mary Douglas, *Leviticus as Literature* (Oxford ; New York: Oxford University Press, 1999), 18–25, makes similar observations about the structure of Leviticus, which she argues uses patterns of [binary] oppositions and analogical reasoning to explain its laws. For instance, Leviticus uses "verbal analogies" to link the consecration of priests with the consecration of the altar. This requires the reader to use the whole system of analogies to discern their meaning.

[93] Douglas, "Deciphering a Meal," 260.

However, the notion that rituals exist at all levels of the social hierarchy and refer to one another by analogy threatens to undermine the notion that ritual is somehow special, whereas other elements are more ordinary.

Moving forward I believe it will be helpful to consider ritual elements and non-ritual elements as two extremes on a spectrum. Within the Hebrew Bible we can observe that the cultic activities in P, which we would consider to be "rituals," nevertheless exist on a graded spectrum.[94] Using the category of space/location, rituals performed in closest proximity to the ark (the most holy space of the tabernacle) would have occupied the top of the locative ritual spectrum as the most special activities, whereas rituals that were performed further away from the ark (i.e., in the holy place, on the altar, in the courtyard, in the city of the cult site, in the peripheral towns, in households, and in private) would have occupied gradually lower status in the locative ritual spectrum. They would have still been rituals because they were still special activities, but their ritual status was based on their spatial proximity to the ark. Although some activities in the social sphere were mundane, and occupied the non-ritual end of the spectrum, in chapter five we will observe that even in the social sphere activities were graded from those that closely resembled cultic ritual and were still somewhat special (or at least non-ordinary), to those that were part of the ordinary daily routine. Besides what the text attests to, the material culture of ancient Israel suggests that rituals would have also occurred in the social and domestic contexts.[95] For the sake of terminological consistency, I will refer to special activity that

[94] Philip P. Jenson, *Graded Holiness: A Key to the Priestly Conception of the World*, JSOTSup 106 (Sheffield: Sheffield Academic, 1992). Jenson also observes other types of gradation relative to spatial gradation, e.g., material, status, and experiential gradation. On spatial location and ritual performance, see also Rüdiger Schmitt, "A Typology of Iron Age Cult Places," in *Family and Household Religion: Toward a Synthesis of Old Testament Studies, Archaeology, Epigraphy, and Cultural Studies*, ed. Rainer Albertz, Beth Alpert Nakhai, and Saul M. Olyan (Winona Lake, Indiana: Eisenbrauns, 2014), 265–86.

[95] I will consider especially the significance of these rituals in social and domestic cult places, based on Schmitt, "Typology." Carol Meyers, "Feast Days and Food Ways: Religious Dimensions of Household Life," in

occurred in the cultic precincts as "cultic ritual," to special activity that occurred in large groups from the size of neighborhoods to entire villages or cities as "social ritual," to special activity that occurred in small groups from the size of nuclear to extended families as "domestic ritual," and to ordinary activities as "non-ritual." These distinctions are important for helping to establish the two types of ritual that I believe the rural Levites were involved in, i.e., both cultic and social rituals. Later in this chapter and in chapter five I will attempt to nuance further these terms and the means by which we can categorize activities as cultic, social, domestic, or non-ritual, but these initial definitions will be helpful as we return to the discussion of ritual hierarchy.

Although the rituals performed at the central level tend to be more prestigious or complex, we can also observe that social, domestic, and non-rituals were just as important to the ritualized hierarchy.[96] Due to their analogical relationship, central rituals can be considered extensions or elaborations of social or domestic and non-rituals, and *vice versa*. To take an example from Deuteronomy that will be discussed in greater detail below, the cultic centralization motif generates a binary opposition between cultic sacrifice at the central sanctuary and local slaughter at the gates (Deut 12:15-19), which I will suggest in chapter five was a social or domestic ritual activity.[97] Thus, not only can we assert that "secular" activities could be considered rituals, and that social and domestic rituals were similar to central rituals, but we can also argue for a much more direct relationship between them. The interpretation and significance of cultic ritual depends to some extent upon social and domestic ritual, without which there would be no analogous relationship; no way of communicating the meaning of cultic

Family and Household Religion: Toward a Synthesis of Old Testament Studies, Archaeology, Epigraphy, and Cultural Studies, ed. Rainer Albertz et al. (Winona Lake, Indiana: Eisenbrauns, 2014), 235–37.

[96] Bell, *Ritual Theory*, 135.

[97] Douglas, "Deciphering a Meal," 270, observes that the prohibition from eating blood (e.g., Deut 12:16, 27) functions as a structural repetition which links all levels of the social hierarchy (e.g., central and local).

ritual in relation to other activities.[98] Douglas calls this "Totemism," i.e., the idea that meaning is derived only from the analogical relations between similar elements of the social structure, in this case, cultic, social, and domestic activities. Contrary to Weinfeld, social, domestic, and non-rituals, e.g., "profane slaughter," are not merely secularized concessions in Deuteronomy; they are necessitated by the social structure. The effect of such binary opposition-based hierarchical organization is "the sense of universal totality," i.e., the complete ordering of the society and the cosmos.[99] These socio-anthropological concepts can also be observed in the way ancient Near Eastern cultures used patterns of binary opposition to structure their world into a hierarchy known as the "three-tiered universe."

B. The Ancient Near Eastern Worldview: A Three-Tiered Universe

John H. Walton observes that cosmic geography (i.e., the ideologically-based conception of the structure and composition of the universe) was fundamental to each culture's worldview.[100] Although each ancient Near Eastern culture held a distinct perspective on cosmic geography based on its cultural ideology, there were several shared characteristics, including: the conception of the universe in three tiers, each culture's belief that they lived at the center or "navel" of the earth (i.e., the *axis mundi*), and the expression and reinforcement of these beliefs in specially delineated sacred space, time, and action. The ancient Near Easterner conceived of the universe in an entirely different way from how modern humanity would.[101] The cosmos was divided into three tiers (i.e., the heavens, the earth, and the underworld), and each tier was divided further into its own sub-tiers (fig. 1).

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[98] Douglas, *Leviticus as Literature*, 23–25..

[99] Bell, *Ritual Theory*, 101.

[100] Walton, *Ancient Near Eastern Thought*, 166–67.

[101] See chapter 7 in Walton, *Ancient Near Eastern Thought*, 165–78. Daniel Block, *The Gods of the Nations: Studies in Ancient Near Eastern National Theology*, 2nd ed., ETS Studies (Nottingham: Apollos, 2000), 149.

Tier I	**Heavens**
Tier II	**Earth**
Tier IIa	Tabernacle Precincts
Tier IIb	Israelite Camp
Tier IIc	The Wilderness / The Rest of the Nations
Tier III	**Underworld**

Fig. 1. The three-tiered gradation of the Israelite cosmos and the sub-tiers of Earth (Tier II) as expressed in the Priestly texts.

The number of sub-tiers varied from culture to culture (e.g., one, three, or seven), which suggests that whereas the number of cosmic tiers was fixed at three, the sub-tiers were flexible and determined by each culture's ideology.[102] Within the "earth" tier (Tier II) there seems to be less variation. Each culture depicted its political and cultic centrality and its relationship with the rest of the world in distinct ways, but typically the world was divided into three sub-tiers based on the hierarchical gradation of space around a single sacred location.[103] The concept of hierarchical gradation or three-tiered stratification is commonly explained in terms of "concentric circles," although a relief map or three dimensional image is also illustrative (fig. 2).[104]

Fig. 2. The three tiers of the world (Tier II).

[102] Walton, *Ancient Near Eastern Thought*, 167, suggests, e.g., that the number of heavenly sub-tiers was determined by the hierarchy of deities. For example, Wayne Horowitz, *Mesopotamian Cosmic Geography*, Mesopotamian Civilizations 8 (Winona Lake, IN: Eisenbrauns, 1998), 244–47, observes the distinction in some texts between the "Heaven of Anu," "Intermediate heavens," and the level of the stars. Block, *Gods of the Nations*, 21–25.

[103] Walton, *Ancient Near Eastern Thought*, 171–75; Mircea Eliade, *The Sacred and the Profane: The Nature of Religion* (San Diego, CA: Harcourt, 1987), 37; Richard Clifford, *The Cosmic Mountain in Canaan and the Old Testament* (Cambridge, MA: Harvard University Press, 1972), 135. The central sacred location was depicted graphically in various ways as a world tree or cosmic mountain, with the latter more prevalent in Israel.

[104] Smith, *To Take Place*, 57.

The central and highest sub-tier (IIa) was the sacred precinct of the chief deity, the second sub-tier (IIb) was the political territory of the culture, and the third sub-tier (IIc) was the political territory of all other surrounding cultures. The central sub-tier was viewed as (and occasionally named) the link between the worldly and the heavenly tiers (e.g., the *Etemenanki* ziggurat in Babylon).[105] This location where the two tiers were linked included the entire sacred precinct of the patron deity, which was designed to reinforce the cultural ideology via space, time, and ritual actions. Spatially, sacred precincts in Mesopotamia and Syria-Palestine contained similar expressions of their cosmic geography, including a divine stairway to facilitate the transportation between tiers, a temple to house the deity, and occasionally a sacred garden to feed it.[106]

In Mesopotamia, the multi-leveled ziggurat was a visual representation of the tiered cosmos and it functioned as a divine stairway that linked the heavenly and earthly tiers.[107] Syria-Palestine did not have ziggurats, but it did have cosmic mountains, which likewise represented the tiered cosmos and functioned as a means of accessing the heavenly tier.[108] Although a ziggurat and a mountain are different, in the flat geography of Mesopotamia where many ziggurats are attested (e.g., at Ur, Babylon, *Al-Untaš-Napiriša* in Elam, etc.) and mountains are

[105] Whether the sacred space functioned as a link, as held e.g., by Walton, *Ancient Near Eastern Thought*, 113–22; Eliade, *Sacred and Profane*, 36–43; Clifford, *Cosmic Mountain*, 74; Smith, *To Take Place*., is ultimately of secondary importance here. The sacred space, above all others, was the location on the worldly tier where one could get the closest to the heavenly tier. See also Michael B. Hundley, *Gods in Dwellings: Temples and Divine Presence in the Ancient Near East*, Writings from the Ancient World Supplements Series / Society of Biblical Literature 3 (Atlanta, GA: Society of Biblical Literature, 2013). Hundley presents practical examples of the structure and ideology of temples, taking for granted that gradation functioned to convey that the temple was the center of the world, a microcosm, and/or means by which humans accessed the divine.

[106] Walton, *Ancient Near Eastern Thought*, 113–19; Lawrence Stager, "Jerusalem as Eden," *BAR* 26.3 (2000): 36–47. has also demonstrated that the Holy Place / Sanctuary of the Israelite Temple, in terms of spatial orientation and decoration, was analogous to the cosmic Garden of Eden.

[107] Walton, *Ancient Near Eastern Thought*, 122; Jeremy A. Black and Anthony Green, *Gods, Demons, and Symbols of Ancient Mesopotamia: An Illustrated Dictionary* (Austin: University of Texas Press, 1992), 175.

[108] Clifford, *Cosmic Mountain*, 34–97.

lacking, ziggurats may have functioned as artificial mountains.[109] Considering the placement of temples in Canaanite literature at the peaks of mountains (i.e., those of El and Baal), and the frequent biblical references to Canaanite-style worship at "high places," a genetic relationship between ziggurats and mountain cult sites is likely.[110] The primary difference seems to be that Syro-Palestinian deities dwelt at the top of their cosmic mountains, whereas Mesopotamian deities did not dwell at the top of their ziggurats.[111]

In the Hebrew Bible, Mount Sinai likewise functioned as a divine stairway linking heaven and earth, and at the top of which God dwelt. It also functioned as a representation of the three-tier gradation of the cosmos via its own spatial delineation (cf. Exodus 24). Sinai was divided into three zones based on levels of holiness and restricted human access.[112] Just as Sinai and the other divine stairways, the dwellings of the deities throughout the ancient Near East functioned as earthly manifestations of heavenly prototype temples and they too were considered microcosms of the entire three-tier cosmos.[113] To use sociological terminology, in the ancient Near East the earthly temple was *analogous* to its heavenly prototype. This analogy is aided by

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[109] Black "Temples and Temple Architecture," 188; Pierre Amiet, *Art of the Ancient Near East* (New York: H. N. Abrams, 1980), 526. Or to take the opposite perspective, the mountains of Syria-Palestine may have functioned as natural ziggurats.

[110] Baal Cycle IV AB III:12-15 in *ANET*, 133; Richard J. Clifford, "The Tent of El and the Israelite Tent of Meeting," *CBQ* 33/ 2 (1971): 222.

[111] Clifford, *Cosmic Mountain*, 47.

[112] Nahum M. Sarna, *Exodus*, JPS Torah Commentary (Philadelphia: JPS, 1991), 105; Nahum M. Sarna, *Exploring Exodus: The Origins of Biblical Israel* (New York: Socken Books, 1996), 203. Sarna cites Rambam, Commentary to Exod 25:1, for his observation of the correlation between the tabernacle and Sinai. However, the three-tier gradation of the tabernacle and Sinai does not seem to be observed by Rambam. Cf. William Henry Propp, *Exodus 19-40*, The Anchor Bible 2A (New York: Doubleday, 2006), 300. John Lundquist, "What Is a Temple? A Preliminary Typology," in *The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall*, ed. George E. Mendenhall (Winona Lake, Ind: Eisenbrauns, 1983), 207. The Israelites could access the foot of the mountain where the altar was located (Exod 24:1-8), the priests and elders could access the second zone of the mountain where they participate in a sacred meal (24:9-11), and Moses and Joshua could access the summit of the mountain, the location of God's presence (24:12-15).

[113] Walton, *Ancient Near Eastern Thought*, 113–14; Eliade, *Sacred and Profane*, 34; Clifford, "The Tent of El." 221, 25; *Baal Cycle* IIAB.VII:15-28 in *ANET*, 121. Note especially that Baal's temples at Ras Shamra and Mt. Zaphon each had a window in the roof to parallel the hole which Kothar-wa-Khasis installed in Baal's heavenly temple, which verifies the practice of building earthly temples on the same pattern as heavenly temples.

the close spatial proximity of temples or the tabernacle to their ziggurats or sacred mountains. In the case of Sinai and the Tabernacle, Nahum Sarna asserts that the analogy is further aided *inter alia* by the three-zone gradation of sacred space, the limited accessibility of visitors and personnel to certain zones, and the movement of God's pillar of smoke and fire and the two legal tablets from the holiest zone of Sinai to the holiest zone of the Tabernacle.[114] Besides their analogy with sacred mountains and ziggurats, each temple also functioned in its own right as an individual microcosm of the three-tier universe.

The function of Sinai and the Tabernacle as microcosms of Israel's three-tier universe comports with the above socio-anthropological discussion on analogical reasoning and Douglas' definition of "totemism."[115] The extension of totemism to the levels of Sinai or the regions and objects of the tabernacle, "postulates a logical equivalence projected upon [Sinai and the tabernacle] and the parts of the social world. This is just what a microcosm is. Microcosmic thinking uses analogies as a logical basis for a total metaphysical framework. A distinctive way of thinking, it is the essentially other thought style, foreign to our own."[116] To use the Israelite tabernacle as an example, gradation was expressed in several ways. Philip Jenson provides a comprehensive study of spatial, personal, ritual, and temporal dimensions of graded holiness in the tabernacle.[117] Spatially, the tabernacle was divided into three major zones: the courtyard (zone 3), the Holy place (zone 2), and the Holy of Holies (zone 1) (fig. 3).[118]

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[114] Sarna, *Exploring Exodus*, 203–4; Thomas B. Dozeman, *Commentary on Exodus*, ECC (Grand Rapids: Eerdmans, 2009), 573; Michael M. Homan, *To Your Tents, O Israel!: The Terminology, Function, Form, and Symbolism of Tents in the Hebrew Bible and the Ancient Near East*, CHANE 12 (Leiden ; Boston: Brill, 2002), 97. observes parallels between the tent of El and the Tabernacle in their form and furnishings (e.g., they are multi-room tents furnished with gold and silver fittings, a throne and footstool) produced by specialized craftsmen.

[115] See n 11 above.

[116] Douglas, *Leviticus as Literature*, 25. In the quoted text above I have replaced references to partitions of sacrificial animals with the bracketed terms, since her argument could also have been stated in this way.

[117] Jenson, *Graded Holiness*. Although the ritual and temporal dimensions will be incorporated into some of the chapters below, I presently survey only the spatial and personal dimensions which Jenson discusses.

[118] Based on Jenson, *Graded Holiness*, 90.

Tier II: Earth	
Tier IIa	Tabernacle Precincts
Zone 1	The Holy of Holies
Zone 2	The Holy Place (Sanctuary)
Zone 3	The courtyard

Fig. 3. The Tabernacle (Tier IIa) and its zones.

Each zone could be distinguished linguistically (e.g., by the name of the zone, the terminology used for it, or literary repetition), materialistically (e.g., by the materials used in it), or legally (e.g., by laws which governed each zone).[119] For the sake of example, we will focus on four types of materialistic gradation. First, the tabernacle furniture and framework was made of gradations of precious metals, from copper, to silver, to pure gold over wood, to solid pure gold.[120] Second, the fabric of the tabernacle was graded by material composition and production skill, from wool and linen, to embroidered wool and linen, to woven linen.[121] Third, the quantity and types of coverings that were applied to tabernacle furniture during transportation were also graded, from three pure blue coverings, to two pure blue coverings.[122] Finally, materialistic gradation blended with other categories of sense-based gradation. What could be touched, seen, or smelled and by whom, were all carefully regulated by laws which delineated the roles, functions, and boundaries of people, objects and space within the tabernacle precincts.[123] A priest would have a completely different sense-experience of the tabernacle than the lay Israelite. These boundaries were necessary to prevent the powerful contamination of an encroacher from eliciting an equally powerful response from God.[124]

[119] Jenson, *Graded Holiness*, 91.
[120] Jenson, *Graded Holiness*, 102; Sarna, *Exploring Exodus*, 205.
[121] Jenson, *Graded Holiness*, 105. Jenson also observes analogy between the zones in which a fabric was permitted and the person or cultic official upon whom that fabric could be applied. Cf. Menahem Haran, *Temples and Temple-Service*, 160–74.
[122] Jenson, *Graded Holiness*, 106.
[123] Jenson, *Graded Holiness*, 107–11.
[124] Milgrom, *Studies*, 21.

In direct correlation with the spatial dimension of the tabernacle was the personal dimension of gradation. Every person who accessed the tabernacle precincts, the extent to which they could interact, and the areas of the tabernacle which they could safely occupy were all graded according to the three-tier structure. Jenson adds, "The implications of the Holiness Spectrum for Israel were not confined to the cultic sphere, but embraced various aspects of everyday life as well…holiness and purity affect the behaviour of the entire nation in and out of the sanctuary."[125] The main groups of people who could access and operate within the Tabernacle were the priests, the Levites, and the (clean) lay Israelites.[126] At the top of the hierarchy were the priests, who were responsible for protecting the sanctuary's holy items, ministering to YHWH, and packing the holy items for transport.[127] At the second level of the hierarchy were the Levites, who were responsible for protecting the altar and sanctuary proper, dismantling and reconstructing the tabernacle, and fulfilling intermediary roles between the priests and the lay Israelites.[128] At the third level of the tabernacle hierarchy were the lay Israelites, who could access only the third sub-tier of the tabernacle precincts (i.e., the courtyard area).

The gradation of the priests and Levites was further expressed via the geography of the Israelite camp (Tier IIb). YHWH was encamped at the center (zone 1), with the Kohathite priestly clan and the Merarite and Gershonite Levitical clans encamped surrounding the

[125] Jenson, *Graded Holiness*, 116.

[126] Jenson, *Graded Holiness*, 116, 134-35. Although Jenson includes "the unclean" and "Non-Israelites" in his schema of Israelite society, these were unable to access and/or participate in the Tabernacle, but occupied the second worldly sub-tier, i.e., the land of Israel. Jenson also notes that these main groups were graded into smaller sub-groups. The priests and Levites based on cultic roles and proximity to sacred space and objects, and the lay Israelites based on genealogy.

[127] Jenson, *Graded Holiness*, 132.

[128] Jenson, *Graded Holiness*, 133.

tabernacle (zone 2), and the lay Israelite tribes and clans encamped around them based on genealogy (zone 3) (fig. 4).[129]

Tier II: Earth	
Tier IIa	Tabernacle Precincts
Tier IIb	Israelite Camp
Zone 1	YHWH in his tabernacle
Zone 2	Priests and Levites (i.e., tribe of Levi)
Zone 3	Lay Israelites (i.e., remaining tribes)
Tier IIc	The Wilderness / The Rest of the Nations

Fig. 4. The Israelite camp (Tier IIb) and its zones.

Two additional groups of people occupied the rest of the geographical world. Israelites of any rank who contracted a major ritual impurity (e.g., skin disorders, bodily discharges, or corpse contamination) were required to stay outside the camp.[130] The second group included all other inhabitants of the earth.[131] Distinctions between Israel and the nations were based not only on geography, but also *inter alia* on food rites and prohibitions of sorcery and necromancy.[132] In relation to food rites, we return to the discussion of spatial analogy between Sinai and the tabernacle to consider sacrificial gradation.

Focusing on the burnt offering in particular, Mary Douglas asserts that the butchered parts of the animal were arranged upon the altar in a graded pattern analogous to the three-tier tabernacle and Sinai.[133] She observes, "Normally through the world wherever sacrifice is

[129] Jenson, *Graded Holiness*, 135–37, 46-47; cf. Numbers 2–3. Zone 3 would also be occupied by foreigners who agreed to abide by Israel's civil and cultic laws.

[130] Jenson, *Graded Holiness*, 138–39; cf. Num 5:1-3. The designation of this territory could be Tier 2c, i.e., the rest of the nations. However, due to the nature of the area as a temporary location for the ritually contaminated Israelite, it could simply be considered a marginal or transition zone between the rest of the nations and the camp of Israel. In other words, those living outside of the camp would still be considered part of the camp and people of Israel, in contrast to the rest of the nations who were not.

[131] This group could be further sub-divided, as in Deut 23:3-8.

[132] Jenson, *Graded Holiness*, 145–46; cf. Leviticus 11; 20:22-27. Jenson posits a possible analogy between the three tiers of the human and animal schemas, i.e., priests = sacrificial animals, Israelites = clean animals, and gentiles = unclean animals.

[133] Leviticus 1:7-9, 12, 17. Douglas, *Leviticus as Literature*, 67-79.

practiced an elaborate symbolism governs the selection of animal victims, each gesture for the sacrifice is minutely prescribed, the animal parts cut and coded, and every detail loaded with meaning."[134] Thus, she believes that there was a specific order that governed the processing of a sacrificial animal's carcass and the arrangement of the butchered pieces on the altar. At the bottom of the sacrificial pyre were the head and meat sections, which were analogous to the lower slopes of Sinai and the outer court of the tabernacle.[135] At the second level of the pyre were the midriff area, dense fat covering, kidneys, and the liver lobe, which were analogous to the middle of Sinai and the Sanctuary area of the tabernacle. At the top of the pyre were the entrails, intestines, and washed genitals, which were analogous to the summit of Sinai and the tabernacle Holy of Holies.[136]

Although gradation in P has been thoroughly treated by Philip Jenson and others, scholars have avoided any major gradation-based analysis of Deuteronomy.[137] This is probably because gradation is typically associated with the cult, a facet of society about which Deuteronomy is often ambiguous.[138] Nevertheless, as a way of entering into the discussion it is possible to observe at least three explicit types of gradation in the book.[139] First, the legal system evinces judicial-cultic gradation. Robert Wilson suggests that in the judicial system of Israel, justice was administered first by the *paterfamilias*, then the elders (זקנים) and/or officers (שׁוטרים) of the

[134] Douglas, *Leviticus as Literature*, 67.

[135] Douglas, *Leviticus as Literature*, 79.

[136] Douglas, *Leviticus as Literature*, 79, also notes the analogy at this level between the pillar of smoke at the summit of Sinai and the Tabernacle's Holy of Holies area with the smoke which arises from the top of the sacrificial pyre to convey the sacrificial material to the heavenly realm. Cf. Exod 24:15-17; 25:22; 29:42-43; 40:34-35; Num 7:89.

[137] Jenson, *Graded Holiness*.

[138] Adam C. Welch, *The Religion of Israel under the Kingdom*, The Kerr Lectureship (Edinburgh: T&T Clark, 1912).shows a general awareness of a hierarchical system related to kings and priests, though he does not elaborate the system.

[139] Contrary to the assertion of Douglas, *Leviticus as Literature*, 64. that "microcosmic thinking is not at all Deuteronomy's style."

town, then the central judge (שׁפט) and Levitical priest (הכהנים הלוים).[140] In light of the sociological structure of Israel, however, I would suggest a slight nuance of Wilson's model based on the roles performed by the different people he highlights, plus a few others. Below I discuss the roles of elders, officers, and judges in greater detail,[141] but for now I will suggest briefly that the model would be more accurate if it followed the pattern established by Deut 17:8-12 (cf. 19:17-18) and 16:18 (cf. 21:2, 25:1-2).

Deuteronomy 17:8-12 mentions the dual judicial-cultic role of a central judge and a central priest, who functioned together in specific types of cases. This is contrary to Wilson's sequence which has the judge subordinate to the priest. The judge may have been responsible for non-cultic cases against the state, whereas the priest may have been responsible for cases against the cult.[142] Alternatively, the judge and priest may have served complementary roles in the same cases, e.g., the priest may have administered oaths or rituals meant to ensure honest testimony.[143] This dual judicial-cultic role at the central level exists by analogy also at the local level (Deut 16:18) in the form of judges (שׁפטים) and officers (שׁוטרים).[144] I will suggest in chapter four, section two, that the local שׁוטרים may have been ritual specialists, specifically the rural Levites, who served with the local judges as a local judicial-cultic pair, analogous to the central judicial-cultic pair in Deut 17:8-12.[145] Finally, it will be argued in section three that the local elders

[140] Robert Wilson, "Israel's Judicial System in the Preexilic Period," *JQR* 74 (1983): 233–34.

[141] On elders and judges, see below, section 3. On officers (שׁוטרים), see chapter four, section 2.

[142] Deuteronomy 17:8-12 should be informed also by 2 Chron 19:8-11, which is a slightly more detailed description of the same system.

[143] See chapter four, section 3.

[144] Note also the complementary role of judges and elders, as described in Bruce Wells, "Competing or Complementary?: Judges and Elders in Biblical and Neo-Babylonian Law," *ZAR* 16 (2010): 73–100.

[145] Leuchter, "The Levite in Your Gates," 423–24, also observes parallelism/analogy between the local and central levels for priests and officers in Deut 20:1-9. Even if one rejects the association between שׁוטרים and לוים,

(זקנים) in certain circumstances functioned in concert with the *paterfamilias* as enforcers of the *paterfamilias'* authority and of social values (e.g., when dealing with rebellious children, accusations of adultery, or brotherly responsibility).[146] So, rather than evincing a hierarchical progression from *paterfamilias* to elder to officer to central judge to central priest, I suggest that Deuteronomy shows a socio-cultic progression of graded binary pairs, from "*paterfamilias* : elder" to "local judge : officer," to "central judge : priest," all of which relate by analogy based on the role pairing "judicial : cultic."

The second type of gradation evident in Deuteronomy is based on Israel's view that their land was the centermost land in the world, and their capital city was the navel of the world. Although Deuteronomy does not delineate strict political boundaries as such, it conveys this ideology via its treatment of foreigners, e.g., the expectation that the alien be given aid (Deut 14:28-29), assimilated into the faith community (23:2-9), and observe the laws of Israel (31:9-13). However, the most explicit indication that Deuteronomy views Israel as the center of the world is the theme of nations praising Israel because of their law and/or God (4:5-8, 32-40; 7:12-16; 10:17-19), which seems similar to the exaltation of Zion as the center of the world in, e.g., Mic 4:1-8. First, this is evident in the expectation that the nations would praise Israel for their wisdom and understanding, which were derived from their laws (4:5-6). Second, Israel identifies itself as a great nation whose God is nearer to it than other gods to their nations (4:7). This concept of proximity and intimacy between Israel and God, in contrast to all other nations and their gods, is reinforced with similar relationship language in 4:32-40. Third, based on their covenant faithfulness, Israel is assured that they will be "blessed above all peoples" (7:14).

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claiming that the שׁוטרים are a distinct role in society, it is still necessary to see them as equally paired with the שׁפטים, according to the pattern of the central pair of judge and priest.

[146] Deuteronomy 21:18-21, 22:13-21, 25:5-10.

Finally, Israel's God is heralded as "the God of gods and the Lord of lords," characteristics which are tied to his justice for the oppressed and foreigner (10:17-19). All of these points, i.e., the supreme blessing of Israel and her land, the supremacy of God, and the provision for aliens and various people groups who may arrive after the land had been purged, imply that Israel viewed itself as the center of the world to which other nations would look and where some might go. Although these texts do not convey the worldview systematically, they show that Israel is the chief nation, that some nations are secondary (e.g., Edomites and Egyptians in 23:8-9), and that the rest are tertiary.

A third type of gradation in Deuteronomy is evinced by the altar centralization motif throughout the book. Deuteronomy specifies two types of altars, one stationary altar on Mt. Ebal (Deut 27:4-8), and another more generally at "the place where the Lord your God chooses to set his name" (14:24). The former primarily describes the material composition of the altar from uncut field stones, and the latter describes the function of the central altar as the singular location where Israelites must bring burnt offerings, sacrifices, tithes, wave offerings, votive offerings, freewill offerings, and firstborn offerings (e.g., 12:6). Deuteronomy 12:15-16 also allows for non-cultic slaughter when meat-eating was desired, but could not be practically accomplished by a journey to the central altar. Besides these altar texts, two other primary "altar laws" in the Pentateuch (Exod 20:22-26 & Lev 17:1-9, see chapter one) hold several implications for the religious diachrony of ancient Israel, but the aspect that will be considered here is the way in which the altar law of Deuteronomy implied a new expression of sacred geography in alignment with Israel's worldview.

Since the sacred precinct of a deity functioned as a microcosm of the three-tier universe, and the most sacred space in the sacred precinct was considered the place in the world that was

closest to the heavenly tier, each worship site would have been considered a cosmic mountain from the perspective of ancient cosmic geography. In a polytheistic society, this was not necessarily problematic, since each city or regional deity could be accessed separately by the multiple sites.[147] However, in a monotheistic context the concepts of multiple worship sites on the one hand and a singular deity on the other hand may be considered incompatible.[148] In a similar way, the number of worship sites has implications for how we might view the political status of an area. In the context of city states or tribal territories, multiple cosmic mountains might have been acceptable, since each city state or tribe might have viewed their own territory as the center of the world and the highest point of access to their patron deity. However, once the city states or tribes in a territory became politically unified, national unity would become incompatible with past political geography. A unified nation cannot allow each tribe to view itself as the center of the world. Rather, it must have a single location, a capital city, that functions as the center of that nation and the surrounding world. I suggest that this is the development we observe in the centralization motif of Deuteronomy. Centralization represents an alignment between the ideology that Israel and her God were at the center of the world, and Israel's sacred and political geography. Deuteronomy's centralization motif marks a moment when Israel realized that multiple worship sites were incompatible with Israel's mono- or heno-theistic approach to the three-tier universe.

[147] Daniel Block, *The Gods of the Nations*, 73, 149-50. Block elaborates the relationship between deity, land, and people and especially the distinctiveness of the YHWH: Israel relationship in its ancient Near Eastern context.

[148] In this light, we might also suppose that the mono- or heno-theistic perspective of the שמע (Deut 6:4) is related to centralization. I.e., the one-ness of Israel's God functioned as a theological motivation for the unification of political and sacred geography in Deuteronomy's conception of cult centralization. Other nations worship their gods (Deut 4:19), but Deuteronomy uses cult centralization to reinforce the centrality and preeminence of Israel's God.

To summarize, every culture of the ancient Near East conceived of the universe in three tiers and conceived of itself as the navel of the world. Each culture expressed and reinforced their worldview in specially delineated sacred space, time, and action. Israel was no exception. The above study has observed the three-tier worldview operative in numerous analogous systems of the priestly tabernacle, and to a lesser extent, in the socio-cultic systems of Deuteronomy. These observations accomplish two primary tasks. First, they illustrate the suitability and value of a socio-anthropological method for the study of Israel and the ancient Near East. Second, these observations show that Bell's and Douglas' discussions of social structures and the analogical relationships which link them, are operative in biblical representations of Israelite socio-cultic structure. Therefore, it is possible to analyze the role of the Levites in Deuteronomy in light of socio-cultic structural analogy.[149]

II. Defining and Identifying Ritual at Different Levels of Society

As we have seen in the previous chapter, and will elaborate in the next section below, according to Deut 18:1-8, the rural Levites fulfilled roles at the central sanctuary. Although the exact roles of the Levites at the central sanctuary are debated (i.e., whether they performed priestly altar service or functioned as priestly support), there can be no doubt that in either case they were involved there in the fulfillment of ritual. While this observation has significant implications for the role of the Levites locally, on the basis of, *inter alia*, the so-called "secularization" of non-cultic slaughter and local territories in Deuteronomy 12, some might question the assertion that any local role of the Levite could resemble ritual.[150] Before assessing

[149] For additional thoughts on sociological criticism of the Bible, see Charles Carter, "Opening Windows onto Biblical Worlds: Applying the Social Sciences to Hebrew Scripture," in *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, ed. David W Baker and Bill T Arnold (Grand Rapids: Baker Academic, 2004).

[150] Georg Braulik, *The Theology of Deuteronomy: Collected Essays of Georg Braulik*, BIBAL 2 (Richland Hills, TX: BIBAL, 1994), 49.

whether local roles could be considered social or domestic rituals, it is important to answer a series of questions about the nature of ritual: A) What is ritual? B) What are the features or characteristics of ritual? C) What does ritual accomplish? D) How does ritual accomplish this? and E) How does local ritual compare to central ritual?

A. What Is Ritual?

Following Gerald Klingbeil I have adopted Jan Platvoet's definition of ritual as essentially a "special event, performed at a special place and/or time, for a special occasion and/or with a special message."[151] I also suggested that ritual exists on a spectrum from ritual to non-ritual activities, based on proximity to the throne of YHWH, in the middle of which are the categories of social and domestic ritual activities. I will distinguish between these categories based on Klingbeil's ritual elements, which I discuss in the next section.[152] Note also the discussion of social structure and analogical relationships above, where I cited Bell and Douglas in support of the idea that similar elements of the social hierarchy would be related analogically to one another across the hierarchical spectrum. Not only are these elements related, but they only derive meaning from their analogy or contrast with other elements in the system. While it may be accurate to state that cultic ritual is "special," whereas secular actions are "ordinary," the significance and meaning of ritual lies primarily in its analogy to or contrast with secular actions.

In the middle are social and domestic ritual activities, which I use to describe events or actions in the HB that are not officially cultic, i.e., they do not occur at a sanctuary, but which derive meaning by association with cultic rituals and are more special than ordinary non-ritual

[151] Platvoet, "Ritual in Plural and Pluralist Societies," 41; cf. Klingbeil, *Bridging the Gap*, 18.

[152] The more special an element is and the more special elements an event has, the more likely it is to be a ritual. This is not to say that events which are textually described with fewer elements are not necessarily rituals. The importance lies in the significance or specialness of the elements involved in an event. The fewer special elements an event has, compared to the elements of a cultic event, the less special it is overall, and the more likely it is to be social, domestic, or non-ritual.

activities. We observe this in the local slaughter of Deuteronomy 12, where one can only understand the significance of pouring the animal's blood on the ground (12:16) if one also knows that the cultic ritual necessitates that blood be applied to or poured out at the altar and/or other sacred furniture (e.g., Deut 12:27; Exod 29:12). Because Deut 12:8-12 only sanctioned the performance of official ritual slaughter at the central sanctuary and forbade it in the gates, local slaughter must have been performed with great care not to resemble central sacrifice too closely.[153] In short, to avoid the pattern of sacrificial rites enacted in the official cultic rituals, the local ritual specialist must in effect create an alternative pattern of non-cultic activities that I refer to as social, domestic, or non-rituals, depending on the nature and context of the activity. At a superficial level, local slaughter appears to be non-ritual. However, in chapter five we will notice that there were many types of local slaughter (or more precisely, local meat consumption), and that some types had more ritual elements than others, requiring that they be classified more carefully as social, domestic, or non-ritual meat consumption.

Another aspect of ritual is the symbol, which Klingbeil defines as, "the basic building blocks of ritual performance."[154] Symbols are rooted in unique cultural systems and can be ambiguous, multivalent, or multidimensional in meaning (e.g., in the HB blood variously represents life, can transmit sins, and is required for forgiveness). In general then, ritual symbol can be understood as "any physical, social, or cultural act or object that serves as a vehicle for a concept."[155] Within a social or ritual system, ritual symbols are not only capable of conveying meaning during official ritual practices, but they also seem capable of elevating analogous secular practices to a higher meaning or purpose via their association with the rituals and

[153] There may have been some elements of the ritualistic process of non-cultic slaughter, besides the blood ritual, which were retained. These will be discussed below in chapter five.

[154] Klingbeil, *Bridging the Gap*, 20.

[155] Klingbeil, *Bridging the Gap*, 22.

symbols used at other levels of the system. For example, in Deuteronomy 12 the symbolism of blood in sacrificial ritual has been preserved also in local slaughter, which thereby elevates the significance and/or the effect of local slaughter beyond what it would have accomplished without the analogy created by blood symbolism. So, even if practices like local slaughter were considered social, domestic, or non-rituals, they were no less capable of utilizing symbols in the same way that rituals could.

A final aspect of ritual is the "rite," which Klingbeil defines as, "a smaller subunit of the larger ritual complex," which may be one of many such subunits that are necessary to complete a single ritual. The act of sacrifice, for example, would be comprised of multiple rites, e.g., slaughtering the animal, processing the carcass, and arranging certain pieces on the altar in a certain order; not to mention other rites which may have been essential to the ritual, but were not included in the textual description (e.g., liturgy).[156] Social and domestic ritual may also utilize rites to complete the activity, though they may be distinguished from cultic ritual by using fewer rites or by changing the rites. Non-ritual may parallel cultic, social, or domestic ritual in having procedural steps that are similar to rites. For example, the sanctuary slaughter rituals consisted of a host of rites, whereas local meat consumption in a social or domestic context included at least a blood rite, and non-ritual meat consumption in a non-cultic context e.g., the טרפה (Exod 22:31) probably conformed to meal procedure, but lacked any rites.

B. What Are the Features or Characteristics of Ritual?

Although scholarly opinion varies on the exact features or characteristics of ritual, Klingbeil narrows his list to nine ritual elements and ten ritual dimensions.[157] Klingbeil asserts

[156] Klingbeil, *Bridging the Gap*, 19.

[157] Bell, *Ritual Theory*, 91–92. observes the following ritual features: formality, fixity (of times, places, gestures, etc.), and repetition, which she argues may be used to set ritual practice apart from ordinary practice.

that the nine elements of ritual are typically present in all rituals when they are performed, though they may not be represented textually.[158] They are: 1) Required situation and context of the ritual that triggers it; 2) Structure of the ritual; 3) Form, order, and sequence of the ritual; 4) Ritual space; 5) Ritual time; 6) Involved objects; 7) Ritual actions; 8) Ritual participants and their roles; and 9) Ritual sound and language.[159] When all or some of these ritual elements in a particular ritual are observed, it is possible to discern to some degree "the overall meaning and function of the ritual in the larger historical and/or religious context."[160] Like ritual elements, ritual *dimensions* may be used to determine the function of a ritual. Based on the work of Platvoet, Klingbeil seeks to provide a classification system of individual rituals that, instead of categorizing individual rituals based on their ultimate purpose or function, attempts to identify the different dimensions of each ritual for the sake of more accurate comparison.[161] The ten ritual dimensions are: 1) Interactive (Ritual as social facilitator); 2) Collective (Ritual as community builder); 3) Traditionalizing Innovation (Creating something new without discarding the old); 4) Communicative (Transmitting messages); 5) Symbolic (The power of symbols); 6) Multimedia (Total communication); 7) Performance (Customary rules, play-acting, and conventions); 8) Esthetic (Ordering one's world neatly); 9) Strategic (Determining power structures); and 10) Integrative (Creating community).[162]

I would add to Klingbeil's assessment of ritual elements and dimensions that social, domestic, and non-ritual activities will also be characterized by their modified use, normalization, or lack of ritual elements and dimensions.[163] For example, the first ritual element

[158] Klingbeil, *Bridging the Gap*, 127.
[159] Klingbeil, *Bridging the Gap*, 128.
[160] Klingbeil, *Bridging the Gap*, 127.
[161] Klingbeil, *Bridging the Gap*, 207–8.
[162] Klingbeil, *Bridging the Gap*, 209–25.
[163] By "normalization," I mean anything that makes an activity less special and more ordinary, shifting the activity from a cultic ritual to a social, domestic, or even non-ritual one.

– required situation and context of the ritual that triggers it – could just as easily apply to any other type of social, domestic, or non-ritual activity, since ritual and non-ritual actions would still be triggered by something. Consider meat consumption. In the context of cultic ritual slaughter, the offerings are triggered by a variety of possible special situations, e.g., the etiological function of the Paschal lamb (Exod 12:1-13; cf. Deut 16:1-8). Likewise, social ritual slaughter could be triggered by a less-frequent festival, like the local triennial tithe celebration (Deut 14:28-29), by a serendipitously blemished firstborn animal (15:21-23), or by the desire to eat meat (12:15-16, 20-25). Even domestic or non-ritual meat consumption could be triggered, e.g., the consumption of a נבלה when it died unexpectedly (14:21), or the טרפה when it was attacked by a predatory animal. The difference between these is how special or significant the trigger was. Untimely death triggered a domestic or non-ritual procedure for consumption of the נבלה, but divine decree triggered the cultic rituals for consumption of the Paschal lamb.

Returning to Klingbeil's discussion, the likelihood that all nine ritual elements or all ten ritual dimensions will be found in a ritual text is minimal, unfortunately, because ritual texts tend to presuppose the presence of a ritual specialist to perform rituals and/or they presuppose the audience's prior knowledge of specific details.[164] Thus, ritual texts tend to be abbreviated in their descriptions, often focusing on one or two elements.[165] Likewise, we should expect abbreviation in descriptions of social, domestic, and non-ritual descriptions. It has already been mentioned above that textual abbreviation, especially of ritual details, is particularly rampant in Deuteronomy. Whereas the Priestly tradition's description of rituals at least tends to describe a

[164] Klingbeil, *Bridging the Gap*, 57. On pp. 224-25 Klingbeil asserts that ritual dimensions tend to occur in groups of three to six, or seven in a given ritual text. See also his detailed analysis of Pentateuchal ritual texts in his Appendix (245-52).

[165] Klingbeil, *Bridging the Gap*, 130.

higher number of elements 1-9, the dearth of ritual elements present in Deuteronomy's ritual descriptions is substantial.[166]

The point is that we should not interpret ritual ambiguity in Deuteronomy to mean that its rituals were somehow less sophisticated, undeveloped, or altogether different from the rituals of P. Regardless of the potential disparity between the date and theological agendas of P and D, ritual texts tend to be ambiguous and this ambiguity tends to be motivated by the author's theology and/or his intended audience (and their familiarity with the ritual process).[167] Klingbeil elaborates, "Writing, for the professional ritual specialist, did not require all the minute details but rather focused on the larger picture. If a general audience was envisioned, it could be argued that this group also understood intuitively most basic elements (such as the function of altars, sacrifice, blood, and so on) or ritual building blocks."[168] Although we can anticipate some ritual innovation between the time of P and D, or perhaps different perspectives on ritual based on authorial interest and/or intent, ritual innovation as promoted in one text tends to be connected to earlier ritual traditions of another text.[169] Likewise, whereas certain rites at the cultic level may differ from rites at the social level, e.g., in slaughter, rites and procedures tend to resemble one another (analogically) across the socio-cultic spectrum.[170] In short, when in biblical ritual texts we observe abbreviation like that which we find in Deuteronomy, it is necessary to cautiously

[166] Admittedly, even the Priestly ritual texts tend to be abbreviated about elements in given rituals. For example, the instructions for burnt offerings in Lev 1:1-17 addresses elements 1-4, but is ambiguous about elements 5-9 and ignores element 9 entirely.

[167] Klingbeil, *Bridging the Gap*, 57.

[168] Klingbeil, *Bridging the Gap*, 61.

[169] Klingbeil, *Bridging the Gap*, 144.

[170] See chapter five. We will observe that the similarities of rites help to create analogy and continuity of rituals performed across the socio-cultic spectrum, but the differences of rites help to set some rituals apart from others.

and responsibly consider the larger biblical context (e.g., P and ChrH), and possibly even the extra-biblical context or history of interpretation as potential sources for supplementation.[171]

C. What Does Ritual Accomplish and How?

Every ritual accomplishes a specific task by specific means. However, we may narrow the function and means of ritual to only a few categories to supplement the present discussion about cultic, social, domestic, and non-ritual. First, ritual upholds and influences developments in the social structure, allowing it to address potential social problems. Such problems may be new situations that arise as society develops, but their novelty necessitates that they be integrated into the social structure, lest they cause disorder.[172] Examples of such problems might be the type of non-cultic slaughter in Deuteronomy 12 or the triennial tithe of Deut 14:28-29.[173] With the recontextualization of altar worship and tithes exclusively to the central sanctuary, Deuteronomy must resolve local meat-eating and local social welfare. Thus, Deuteronomy innovates concessions for clean animal slaughter "because the desire of your soul is to eat meat," (Deut 12:20) and for a non-cultic variant of the annual tithe so that the גר, orphan, and widow, who have limited-to-no access to annual festivals at the central sanctuary, "may come and eat and be sated so that the Lord your God may bless you in all the work of your hand which you do" (14:29). Rather than limiting recontextualization of sacred ritual to the central sanctuary, which could create a problematic imbalance in the social structure, Deuteronomy has created a

[171] Klingbeil, *Bridging the Gap*, 130–31.

[172] Bell, *Ritual Theory*, 34–37; Douglas, *Purity and Danger*, 36–41. reframes this concept in a discussion of dirt. She insightfully connects ancient and modern conceptions of ritual by observing, "Dirt is the by-product of a systematic ordering and classification of matter, in so far as ordering involves rejecting inappropriate elements" (36). So, "if uncleanness is matter out of place, we must approach it through order. Uncleanness or dirt is that which must not be included if a [social] pattern is to be maintained" (41). Thus, not only would new and anomalous situations include things that are (or should be) incorporated into the social pattern, but they may also be "dirty" things that are determined to belong outside of the social structure. Another anomalous situation would be the rite of passage ritual, during which a person is temporarily outcast from community as an anomaly, but brought back in at a different status (119).

[173] These will be treated in detail below.

binary opposite to cultic rituals, namely, the social or domestic rituals of clean animal slaughter and the triennial tithe. The creation of these local events not only generates a balanced binary opposition, but it also reinforces and enhances the status of their ritual counterparts at the central sanctuary by analogy.

Second, ritual creates or defines the sacred by its contrast with the profane. Often this contrast may be asserted by ritual in at least two primary ways. Sacred ritual may be distinguished by, e.g., time, location, objects, or actions, which set sacred ritual apart as special in contrast with non-sacred time, locations, objects, or actions.[174] This is often accomplished by framing sacred ritual as a reenactment of cosmic events (e.g., the creation of the world), or cosmic structure (e.g., the spatial analogy of the three-tier universe and the three-tier sacred precincts).[175] Of course, the setting apart is reciprocal. Just as the sacred may be marked as special by being set apart, so also sacred times, locations, objects, or actions may be downgraded to ordinary profane status in order to enhance the distinction of the sacred from the profane.[176] This too is exemplified by the central vs. local binary opposition in Deuteronomy.

To continue using the cultic vs. non-cultic slaughter example, we notice an elevation of rituals that may have originally been observed locally, e.g., burnt offerings, sacrifices, tithes, wave offerings, votive offerings, freewill offerings, and firstborn offerings (Deut 12:6-7), from local covenant communities pre-centralization to a central sacred location where God would place his name (12:5), and an elevation from unspecified times to specific times during three annual festivals (חגים) (Deuteronomy 16). In elevating these rituals, however, Deuteronomy has

[174] Bell, *Ritual Theory*, 88–91.

[175] Douglas, *Purity and Danger*, 64. Cf. the previous section for a discussion of these kinds of analogies.

[176] Arnold, "Israelite Worship," 170–74. Arnold adds "Israelite worship as envisioned and prescribed in Deut 12 moves the worshipper's perception from the figural good life…to the ground of YHWH's beneficent presence," illustrating the contrast between sacred and profane.

also demoted any remaining local rituals to social, domestic, or non-ritual status by changing, *inter alia*, the location of slaughter from an altar to an altar-less location in the שַׁעַר (12:15), the status of blood from being worthy of altar application to being "like water" (12:16), and the timing and content of other slaughter-worthy events from occurring during festivals to occurring at non-descript times based on a desire to eat meat (12:20).[177] As obvious as the demotion of these latter two ritual elements may be, I believe that their phrasing in Deuteronomy is more loaded with meaning than has typically been recognized. Below I will explore the possibilities that "like water" is a specific type of cultic blood classification (attested also in the Mishnah), rather than simply a reference to how one pours things; and that meat consumption is not dependent on the whim of the lay Israelite, but may have been temporally restricted.[178]

Additionally, besides the set apart function of sacred ritual in special times, locations, objects, or actions, sacred ritual may also be set apart in the magical or miraculous effects it seeks to accomplish, in contrast with attenuated or non-magical/non-miraculous effects which social, domestic, and non-ritual activities accomplish.[179] The ability of sacred ritual to deliver magical or miraculous effects is conveyed, in part, by the complex nature of the ritual. Douglas adds,

> [A] way of protecting the belief that religion can deliver prosperity here and now is to make ritual efficacy depend on difficult conditions. On the one hand the rite may be very complicated and difficult to perform: if the least detail gets into the wrong order, the whole thing is invalid…on the other hand the success of the rite may depend on the moral

[177] This is conceptually similar to the ideas espoused by Weinfeld, *Deuteronomic School*, 220–24; Braulik, *Theology of Deuteronomy*, 44–51.

[178] See chapter five. Cf. Mishnah Zev 8:6 contrasted with 8:7-8 in Jacob Neusner, ed., *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988).

[179] Douglas, *Purity and Danger*, 61.

> conditions being correct: the performer and audience should be in a proper state of mind, free of guilt, free of ill-will, and so on.[180]

By contrast, social, domestic, and non-rituals tend to be simplified versions of cultic rituals, so that the success of the activity is relatively unimportant or diminished in importance compared to its cultic ritual analogs. Local slaughter in Deuteronomy 12 remains a helpful example, but we may look also to vows. Whereas Deut 12:6 calls for all votive offerings to be brought to the central sanctuary, the vow's initiation was not required to occur at the sanctuary. The likelihood that vows were initiated away from the sanctuary is supported by three observations.

First, Deut 26:12-15 describes a vow related to the local triennial tithe of Deut 14:28-29. It is debated whether this vow would have occurred locally or at the central sanctuary based on: 1) the apparent contradiction between the location of the triennial tithe in the local gates, 2) the statement that the vow is made "before the Lord your God" (26:13), which typically refers to the central sanctuary, and 3) the command that votive offerings be made at the central sanctuary. Many commentators assert that "before the Lord your God" always refers to the central sanctuary, which means that the triennial tithe was observed locally and followed by a trip to the central sanctuary to make the vow.[181] However, Jeffrey Tigay provides the most cogent analysis of the location of the triennial tithe vow. He observes that the phrase "before the Lord your God," which typically refers to the central sanctuary in Deuteronomy, is also typically accompanied by, "the place where the Lord will choose to establish his name," in order to

[180] Douglas, *Purity and Danger*, 176.

[181] Gerhard Von Rad, *Deuteronomy*, 160–61; Richard D Nelson, *Deuteronomy*, 310; Lundbom, *Deuteronomy*, 729–30. But Walter Brueggemann, *Deuteronomy*, AOTC (Nashville, TN: Abingdon, 2001), makes no comment on the location of the vow. J. Gordon McConville, *Deuteronomy*, 380, only suggests that the vow is meant to make up for the fact that the triennial tithe was not brought to the sanctuary, but he makes no comment about the actual location of the vow.

explicitly refer to the central sanctuary (cf. 26:1-11). Since this phrase is absent here (cf. also 19:17), Tigay suggests that it may be intended to allow the worshiper to address God locally.[182]

Second, the likelihood that all vows could be initiated at the central sanctuary is incredibly low. Not only do vows relate to the tithe, but other types of vows and oaths (e.g., for business transactions or legal cases) were a pragmatic necessity. If Deut 12:21 and 14:24-26 can make pragmatically motivated concessions for non-cultic slaughter and tithing based on travel distances and other factors, it is unlikely that Deuteronomy would contradict these concessions in the case of vows and oaths. While some vows and oaths may have been made at the central sanctuary, many were probably initiated in the local social context as social ritual counterparts to cultic vows and oaths. In contrast to the hope that vows and oaths made at the central sanctuary might be magically or miraculously efficacious, vows and oaths made at the local gates may have served more pragmatic, i.e., non-miraculous, effects relating to everyday life.

Third, cultic, social, domestic, and non-ritual activities may prevent the dangerous effects associated with the cross contamination of sacred and profane.[183] The problem lies in the mutual power of the sacred and profane and the danger which each one poses to the other. In the sacred precinct, the presence of the profane (intentional or not) is potentially harmful to the divine.[184] Thus, we see in the HB stories and policies intended primarily to protect God from the dangerous intrusion of profane power. A narrative example is Korah's rebellion (Num 16:1-40) in which profane lay Israelites and Levites attempt to serve as priests, with a disastrous outburst of divine power against their attempted intrusion. An example of a HB policy is the primary status of the

[182] Jeffrey Tigay, *Deuteronomy*, 184; Duane L. Christensen, *Deuteronomy 21:10-34:12*, WBC 6b (Waco, TX: Word, 2002), 642; Craigie, *Deuteronomy*, 322–23. also asserts that the vow was made locally, but this is based on his reading of Deuteronomy as an immediate product of Moses, rather than a result of the Hezekian or Josianic eras.

[183] Douglas, *Purity and Danger*, 9.

[184] Douglas, *Purity and Danger*, 122–23.

Levites in P as guards who protect the sacred precincts from intentional or unintentional profane intrusion (Num 8:19). Whereas these accounts illustrate the dangerous effects of cross contamination and/or the necessity for preventing it, Deuteronomy evinces socio-cultic ritual strategies for mitigating such problems.

D. Who Could Participate in Rituals?

Besides priests and Levites (Deut 18:1-8), the primary cultic texts of Deuteronomy are somewhat inconsistent about who was meant to attend local and central festivals.[185] For example, the חגים of Shavuot and Sukkot required the attendance of the *paterfamilias* (i.e., "you," masculine singular), his son(s), daughter(s), male and female servants, the rural Levite, גר, orphan, and widow, but for the חג of Pesach there was no such specification.[186] Another more puzzling discrepancy exists between the texts of Shavuot and Sukkot (16:9-12, 13-15), which include the גר, orphan, and widow, and between the generalized cultic centralization texts (12:7, 12, and 18) and the annual tithe text (14:27), which include the *paterfamilias* and his family, but do not include the גר, orphan, and widow (compare to 16:11, 14). Curiously, Deut 26:11 abbreviates the lists in chapters 12, 14, and 16, to "you and the Levite and the גר who is in your midst." So, although Deuteronomy 12, 14, 16, and 26 all provide lists of sanctuary visitors, what we might consider the standard roster is found in Deuteronomy 16, whereas the other texts abbreviate the list in different ways.

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[185] Deuteronomy 12:1-32, 14:22-29, 16:1-17, 23:1-8, and 26:1-19. I interpret the קהל יהוה in Deut 23:1-8 to refer to cultic gatherings, rather than referring only to political gatherings. See below.

[186] An exception is the summary statement in Deut 16:16 that every male must attend the three central festivals of Passover, Weeks, and Booths. Peter Altmann, *Festive Meals*, 236, suggests that the *personae miserae* were implicitly included in the annual tithe and Passover.

These discrepancies and our resolution of them are important because the instructions for attending central and local festivals may be the primary means by which Deuteronomy prevented the profane population from encroaching upon the sacred. Douglas has observed that marginal members of society tend to be associated with disorder, lack of control, and ill-defined roles, so that they may be regarded as potentially hazardous to the socio-cultic structure.[187] The power of the marginalized is especially hazardous when brought close to the sacred. Since the גר, orphan, and widow are among the more vulnerable and marginalized population of Israel that is mentioned in Deuteronomy, they potentially carry a higher level of profane power and are therefore more dangerous to the sacred. Thus, we would expect the *personae miserae* to be excluded from the lists of central festival attendees in Deut 16:9-12 and 13-15. Instead, only one portion of the population was forbidden access to the central sanctuary festivals, and encouraged to participate in the less sacredly potent local festivals, namely those who were excluded from the קהל יהוה, "(cultic) assembly of the Lord" (Deut 23:2-9).[188]

This group included men with mutilated genitals (פצוע־דכא וכרות שפכה), children who were ethnically mixed (ממזר), and two different classes of non-Israelites (נכרי): those of Ammonite or Moabite origins, and those of Egyptian or Edomite origins. Whereas Deuteronomy 12, 14, 16, and 26 present all Israelites, גרים, orphans, and widows as cultically safe, and

[187] Mary Douglas, *Purity and Danger*, 103–5, 122-24.

[188] The meaning of קהל יהוה in Deut 23:2-9 is debated. I interpret it as referring to those who were included in the worshipping community of Israel, i.e., those who were able to participate in cultic activities at the central sanctuary. Cf. Mark Awabdy, *Immigrants and Innovative Law: Deuteronomy's Theological and Social Vision for the* גר, FAT 2 67 (Tübingen: Mohr Siebeck, 2014), 123–24; Craigie, *Deuteronomy*, 296. Although the phrase has been interpreted to include varying degrees of political function, most commentators identify קהל יהוה as a reference especially to Israel's "worshipping community," cf. Von Rad, *Deuteronomy*, 146; McConville, *Deuteronomy*, 347–48; Christensen, *Deuteronomy*, 537–38; Tigay, *Deuteronomy*, 210; Lundbom, *Deuteronomy*, 646; Nelson, *Deuteronomy*, 278–79.

included in the קהל יהוה, a purpose of Deut 23:2-9 is to nuance these categories from a ritual perspective. Marginalization or inclusion could take many forms, including ethnic (based on ethnic origins), socio-economic (based on social and/or economic vulnerability), and cultic (based on covenant acceptance). For example, the widows and orphans, although ethnically included as Israelite and cultically included under covenant,[189] were socio-economically vulnerable, and therefore socio-economically marginalized. One type of marginalization did not inherently influence other types of marginalization, but it could. We see in Deut 23:2-9 a focus on cultic marginalization.

The lay Israelite male, although ethnically, socio-economically, and cultically included (cf. Deut 16:16, where *all* Israelite males are required to visit the cult) by default, could be cultically marginalized if his genitals became mutilated (23:2). The mutilated Israelite male was an exception to the rule in Deut 16:16. However, the remaining examples of cultic inclusion and marginalization in Deut 23:3-9 were determined based on ethnicity. The general roster of cultic attendants in Deuteronomy 16 included the גר in cultic events. However, Mark Awabdy has observed that Deuteronomy's portrayal of the גר is more nuanced. Awabdy has suggested that the ethnicity of the גר in Deuteronomy was always non-Israelite, i.e., נכרי, which by my assessment means that he would have been ethnically marginalized.[190] From a socio-economic perspective, the גר could occupy one of two statuses, which Awabdy identifies as the "גר *individuum*," and the "גר composite" (i.e., included in the *personae miserae* formula). Whereas

[189] Awabdy, *Immigrants*, 121.
[190] Awabdy, *Immigrants*, 110–16.

the גר composite was socio-economically marginalized with the Levite, widow, and orphan, the גר *individuum* could become socio-economically included by joining the Israelites in covenant with YHWH.[191]

Awabdy seems to regard cultic inclusion and marginalization in Deuteronomy as having four categories, which I have reconstructed here in hierarchical order based on his overall analysis:[192]

1. Included in the קהל יהוה: Native Israelites.
2. Included in the קהל יהוה: גרים of Edomite or Egyptian origin who had joined the covenant, i.e., the גר *individuum*.
3. Included in the קהל יהוה: גרים of Edomite or Egyptian origin who had not joined the covenant, i.e., the גר composite.
4. Marginalized from the קהל יהוה: גרים of Ammonite or Moabite origin who could not join the covenant, and could not attend cultic events, but were regarded as נכרי.

However, when we consider how cultic inclusion and marginalization may have correlated with the ritual safety and/or danger that a person posed to the sacred, and the restrictions posed by Deut 23:3-9, I propose a slightly nuanced version of Awabdy's assessment:

1. Included in the קהל יהוה: Native Israelites.

[191] Awabdy, *Immigrants*, 123. The גר's increased status could have also led to garish displays of wealth.
[192] Cf. Awabdy, *Immigrants*, 119–25.

2. Included in the קהל יהוה: נכרים of third-generation Edomite or Egyptian origin who had accepted the covenant and become גרים, i.e., the גר *individuum* ***and*** the גר composite.
3. Marginalized from the קהל יהוה: נכרים of first or second-generation Edomite or Egyptian origin.
4. Marginalized from the קהל יהוה: נכרים of Ammonite or Moabite origin who could never accept the covenant, and could never attend cultic events (because of their greater ritual danger).

In short, I analyze the distinction between the גר *individuum* and the גר composite as socio-economically-based (the former was socio-economically included, the latter was marginalized), whereas the distinction between the גר and the נכרי was cultically-based (the former was cultically included, the latter was marginalized). A גר was a נכרי who had accepted the covenant of YHWH and become cultically included, although his socio-economic status could vary as included or marginalized, and his ethnic status was always marginalized. The ממזר was the mixed-race offspring of an Israelite and a נכרי (23:3).[193] Since Israelites and גרים were cultically included, we can infer that one parent of a ממזר may have been either a permanent נכרי, or else an Egyptian or Edomite נכרי of the first or second generation who was not yet able to attain גר status via covenant acceptance. The purpose of this regulation seems to have been to restrict

[193] Ludwig Köhler, *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: Brill, 1994), 595. glosses ממזר as an Israelite "half-breed."

נכרים from attempting to bypass the regulations in 23:4-9 by marrying an Israelite. So, the ממזר was ethnically and cultically marginalized, and may have also been socio-economically marginalized due to their partial Israelite ethnicity. Like the Israelite male whose genitals were mutilated, the groups mentioned in Deut 23:3-9 were exceptions to the standard roster of cultic festival attendees in Deuteronomy 16.

Although attendance at the sanctuary was restricted by Deut 23:2-9, those who were excluded from the sanctuary were not left out entirely. As an incentive, a concession, or simply a means of balancing the binary opposition for sacred and profane peoples and their cultic involvement, Deuteronomy 12 provided a means for the ritually dangerous to participate in local analogs to central rituals, i.e., non-cultic slaughter, which could include the טמא, "unclean." What better way to keep the ritually dangerous away from sacred space? Although Deuteronomy marginalized the ritually dangerous members of society, it also socially included them by inviting them to a deeper level of social involvement via social, domestic, and non-ritual events, which also provided for their socio-economic needs as marginalized groups. So, even as Deuteronomy sought to protect the sacred from profane encroachment, it advocated a strategy that protected the marginalized.

To summarize, the questions I have asked above about ritual help to elucidate the relationship between cultic, social, domestic, and non-ritual activities in Deuteronomy. I began with Plavoet's definition of ritual from Gerald Klingbeil as special behavior which is distinguished from ordinary behavior in space, time, occasion, and/or message. I also defined non-rituals as ordinary activities, and social and domestic rituals as activities which occur in special social or domestic contexts in Deuteronomy. Drawing from Klingbeil's work, I outlined the nine elements and ten dimensions of ritual, which are typically abbreviated in ritual texts.

Based on this tendency of ritual texts to abbreviate their descriptions, and the abbreviated nature of Deuteronomy's ritual texts, I suggested that we should be hesitant to conclude that Deuteronomy's rituals were less sophisticated or vastly different from other ritual texts in the HB. Rather, as suggested by Klingbeil, we should consider abbreviation in Deuteronomy to be based primarily on its theology, and/or the intended audience's familiarity with the rituals. This functions as a methodological justification for supplementing abbreviated rituals in Deuteronomy with details from other Biblical or extra-biblical texts. Finally, I considered the functions and methods of rituals that are relevant for analysis of cultic, social, domestic, and non-ritual in Deuteronomy.

The first function of ritual is to uphold and influence developments in the social structure by the creation of balanced binary oppositions, which entails an elevation of cultic ritual and a demotion of social, domestic, and non-ritual. Deuteronomy accomplishes this geographically, by setting the local שׁערים apart from the sanctuary, and temporally, by setting social, domestic, and non-rituals in non-cultic time apart from cultic rituals which were set in cultic time. Deuteronomy also demotes social, domestic, and non-rituals via their ritual objects and actions, i.e., removing local altars and demoting the status of non-cultic slaughter blood to "like water" (Deut 12:16, 24).[194] The second function of ritual is to create or define the sacred by contrast with the profane, which is often accomplished via the distinction of time, location, objects, or actions, and/or via the magical or miraculous effects that ritual seeks to accomplish. Deuteronomy evinces this function again in the distinction between cultic and non-cultic slaughter, but implies it also in the distinction between centrally fulfilled oaths and vows and their pragmatically necessitated (and implicit) local counterparts. The third function of ritual is to

[194] See chapter 5, section 2.

prevent dangerous cross contamination of sacred and profane. Deuteronomy evinces a strategy for mitigating this potential disaster by excluding certain marginal people from the central sanctuary, while also incentivizing their participation in local festivals. Rather than marginalizing this dangerous group, Deuteronomy includes them in society, albeit at a safe distance from the sacred.

The implication of these observations is that some local activities described in Deuteronomy should be regarded as social or domestic ritual activities, rather than simply identifying them as non-ritual secular or profane contrasts to their cultic ritual counterparts. Yes, social and domestic rituals were "profane," in contrast with cultic rituals, which were "sacred," and they were "secular," in contrast with cultic rituals, but social and domestic rituals also existed apart from purely non-ritual activities. The binary opposition of central and local does not emphasize one extreme in exclusion of the other. Rather, Bell asserts that the analogy between the two is more important. Central cultic ritual should be understood as an elaboration of local social, domestic, and non-ritual, and local social, domestic, and non-ritual should be perceived as condensed forms of central cultic ritual.[195] In the following chapters I will suggest that several local activities should be regarded as social and domestic ritual analogs to cultic rituals, which despite their diminished status probably would have required proper oversight and performance from an experienced local ritual specialist.

III. Local Ritual Specialists in Deuteronomy

I have asserted that the social structure of ancient Israel was modeled after the ancient Near Eastern three-tier universe, which was based on a complex system of analogically related binary pairs of opposition. I have also asserted that in the socio-cultic structure of ancient Israel

[195] Bell, *Ritual Theory*, 135.

and other ancient cultures, ritual played a large part as both the social system and the means for negotiating the system. Not only were rituals important at higher levels of society (e.g., the central sanctuary), but their social, domestic, and non-ritual analogs were also fundamental at lower levels (e.g., the city gates). Because of the high importance placed on rituals for maintaining, negotiating, and even changing the social structure, it would have been necessary for cultic rituals and social rituals to be overseen and/or performed by individuals with commensurate ritual specialization. The more important the activity, the more skilled the performer had to be, and the more likely the performer was a ritual specialist. But the less important the activity, the less skilled the performer had to be, and the less likely the performer was a ritual specialist.[196] In the present section I will discuss several components of ritual specialization based on the observations of Gerald Klingbeil and Catherine Bell. These components include: 1) ritual texts, 2) rites of passage, 3) performance and/or efficacy of ritual, 4) ranking rituals and their specialists, and 5) teaching. Since Deuteronomy is ambiguous about who could have overseen social and domestic rituals as a local ritual specialist, I will also survey the people Deuteronomy presents as the most qualified candidates for the role of local ritual specialist.

A. Components of Ritual Specialization

Klingbeil asserts that the "special" role of ritual specialists is reinforced by the way their texts were written. Whereas texts written for a lay audience tend to be abbreviated in details, those written for ritual specialists tend to be more specific.[197] He elaborates that texts may be

[196] This extends across the socio-cultic spectrum, from cult to home. At the top were the priests performing rituals at the sanctuary, at the bottom were the laypersons performing household rituals. See especially chapter five, section four.

[197] Klingbeil, *Bridging the Gap*, 188; Richard Nelson, *Raising up a Faithful Priest: Community and Priesthood in Biblical Theology* (Louisville, KY: Westminster John Knox, 1993), 104.

abbreviated because the audience was "conceptually acquainted with the basic ritual building blocks and shared a similar worldview."[198] Another reason for textual abbreviation might be that they assume the presence of a ritual specialist who had experiential, rather than textual knowledge of the ritual process.[199]

The second component of ritual specialization is the rite of passage. Rites of passage are used by different members of society to mark transitions between states. In the case of ritual specialists, they can be used to mark a person's functional transition from non-specialist to specialist, e.g., in the Levitical ordination rituals (Num 8:5-22).[200] The challenge with suggesting that rural Levites were ritual specialists in Deuteronomy based on the ordination ritual in Numbers 8 is that the relationship between Deuteronomy and P is heavily contested. For now, I will simply propose that the role of the Levite as a firstborn substitute functioned as the result of his rite of passage from non-specialist to cultic debt-slave and ritual specialist. I will suggest in the next chapter that this role is upheld somewhat cryptically by Deuteronomy 10:8-9.

The third component of ritual specialization is the performance and efficacy of ritual. Bell observes that the performance and efficacy of ritual and the status of ritual specialists were interconnected. The authority of a ritual specialist, and possibly his survival (cf. Lev 10:1-2), was based largely on the importance of his task and his ability to perform rituals correctly.[201] For example, rituals that mediated the relationships between humans and deities necessitated a ritual specialist with corresponding authority. Thus, whereas the average priest could access the holy area of the tabernacle, including the sanctuary and altar (e.g., Lev 1:1-9), the higher status of the

[198] Klingbeil, *Bridging the Gap*, 188.

[199] Klingbeil, *Bridging the Gap*, 188–89; Gerald Klingbeil, "'Who Did What When and Why?': The Dynamics of Ritual Participants in Leviticus 8 and Emar 369," in *Inicios, Paradigmas Y Fundamentos* (Libertador San Martin, Argentina: Editorial Universidad Adventista del Plata, 2004), 113–33.

[200] Klingbeil, *Bridging the Gap*, 210.

[201] Bell, *Ritual Theory*, 134.

most holy area of the tabernacle and the rituals performed there necessitated a High Priest (Lev 16:2-34). Although the lay populace and other types of specialists might have been able to evaluate the efficacy of another specialist's ritual performance, and therefore hold him in check, only ritual specialists were qualified to perform rituals. Additionally, the lack of concern for efficacy in non-ritual activities meant that a lay person could perform them without risk. Since social and domestic rituals stand between cultic ritual and non-ritual, there would have been at least some concern that they be performed efficaciously, though the efficacy of social and domestic rituals would have been of lesser importance than for cultic rituals.

The fourth component of ritual specialization is connected to the previous one. It is the ranking (i.e., gradation) of rituals and their specialists. Just as graded hierarchies structure *inter alia* space, time, and people, rituals are also graded. Bell observes a correlation between the status of a ritual and the involvement of ritual specialists, so that rituals using specialists are considered more central, powerful, encompassing, and integral to the welfare of the society than rituals which use "locally skilled practitioners" or those with no particular skill at all.[202] In the ritual schema of Deuteronomy, cultic rituals performed at the central sanctuary by priests would occupy the highest tier, social rituals performed at the local level would occupy at least an intermediate tier (e.g., the triennial tithe of Deut 14:28-29), and domestic and non-rituals would occupy intermediate or lower tiers (e.g., non-cultic slaughter in Deut 12:15-16, or the נבלה in 14:21). In short, the cultic rituals of the central sanctuary and the social and domestic rituals of the local towns necessitated ritual specialists with expertise and qualifications comparable to their task.

[202] Bell, *Ritual Theory*, 135.

The fifth and final component of ritual specialization is local teaching, i.e., dissemination of priestly ideology. In a discussion of the way societies maintain religious beliefs, Bell observes that whereas specialists tend to share coherent systems of religious beliefs, lay people tend to have unstable and unsystematic religious beliefs that are disparate from those of religious specialists.[203] If we consider the situation which Deuteronomy presents, i.e., a situation in which the local cult has been removed from the hands of local practitioners and centralized under a single priestly ideology, we can posit that local ritual specialists who shared the religious beliefs of the central priesthood by virtue of their shared service and training would have been a valuable means of teaching systematic and coherent priestly ideology (i.e., Torah) to the masses. Although the lay populace may not have been as inherently stable or systematic in their religious beliefs compared to the central specialists, local ritual specialists would have presented a better chance of aligning lay beliefs with those of the cult.[204]

B. Returning to the Debated Status of Levites in Deuteronomy

I return to the impasse in the history of research on Levites in Deut 18:1-8 to consider how interpretations of Deut 18:1-8 influence the present study of Levites as potential ritual specialists. Besides the views of Wellhausen and Wright, a third approach to Deut 18:1-8 is also possible. The third approach considers the possibility that Deuteronomy perceives (or presents) the sanctuary with a less precise lens than, e.g., P. Deuteronomy is not concerned to present the

[203] Bell, *Ritual Theory*, 185–86.

[204] Of course, the identification of the rural Levites as teachers of Torah is not a new observation. Cf. Gerhard von Rad, *Studies in Deuteronomy*, trans. David Stalker, SBT 9 (Chicago: SCM, 1953), 66–67, who argues that because of their access to sacral literature and their function as representatives for the rehabilitation of the state and its military, the rural Levites were ideal spokesmen of the cultic reform movement amongst the "free peasant population," though he extends this to suggest that they were also the authors of Deuteronomy. When we consider the socio-anthropological concepts that may have been at play in Deuteronomy's Israel, these old arguments are given new life. I will not consider the pedagogical role of the rural Levites in detail. However, I will suggest how the rural Levites may have conveyed cultic ideology to the lay Israelites by performing and/or overseeing non-cultic rituals with them (see especially chapter 5). On the function of rural Levites as local teachers of Torah, see Leuchter, "The Levite in Your Gates."

details of the priestly hierarchy. What matters is that the whole tribe of Levi, regardless of what they are called (i.e., "Priests" or "Levites") performs *some* function at the central sanctuary, but Deuteronomy cannot or will not be more specific. There are several possible explanations for this view.

First, Deuteronomy may be ignorant of the cultic sphere. Recognizing that priests, Levites, and the whole tribe of Levi (Deut 10:8; 18:1) have roles at the central sanctuary is as specific as Deuteronomy can get. Second, the authorial interest of Deuteronomy may be limited in cultic matters. The author(s) knows more about the cult than he writes, but does not wish to elaborate on these details because they are not the focus of the book. Third, cultic information may have proliferated throughout Israelite culture. Deuteronomy and its audience were well acquainted with cultic details (e.g., hierarchical structure, rites, and responsibilities), so there is no need to pedantically elaborate on the Israelite stock of common cultic knowledge.[205] In light of the socio-anthropological and ritual discussions above, the third type of generalization is most convincing. However, even if one prefers another explanation for why Deut 18:1 might have generalized about cultic titles, it is important to acknowledge the limitations of these views.

Whether we take the grammar at face value and end with a stalemate between Wellhausen and Wright, or we propose generalization as an explanation, none of these interpretations precludes Levites from cultic service in the roles that have been proposed. Neither do these interpretations preclude entirely the Levitical roles outlined in P. If Deuteronomy intended all the tribe of Levi to serve as priests, the ritual, geographic, and architectural structure of the Israelite cult still would have required that some serve in lower capacities and others in higher ones. Not everybody could perform the same role, and the roles of the cult were not equal.

[205] Klingbeil, *Bridging the Gap*, 61.

Thus, whether Deuteronomy presents לוים as equal to כהנים or subordinate to them has little bearing on the present discussion. In either case their service at the central sanctuary qualified them as ritual specialists, and it is this qualification which also makes them the most likely (not to mention the most qualified) practitioners of local social rituals. However, we must also consider the qualifications of other potential ritual specialists in Deuteronomy, i.e., elders, judges, and officers, before a greater degree of certainty can be reached.

C. Potential Ritual Specialists and Specialization in Deuteronomy

Although never mentioned explicitly in Deuteronomy, it is the thesis of this project that Deuteronomy envisions the rural Levites as substitutes for Israelite firstborn children, as rural scribal administrators, and as overseers and/or performers of some types of social ritual meat consumption. But why the rural Levites? Why not the village elders, judges, or officers who were also located at the gates? Why not the Israelite *patres familias*? Although we have not yet accumulated sufficient evidence to support why the rural Levite could have been the local ritual specialist (see chapter three), or to analyze the complicated identity of the officers (שׁוטרים) (see chapter four), it is possible to demonstrate why the elders of the city (זקני עיר), judges (שׁפטים), and every *paterfamilias* (אב) were *not* local ritual specialists.

In Deuteronomy we observe the elders, occasionally located "in the gates," fulfilling what appears to be a combination of judicial roles on the one hand and ritual roles on the other.[206] In their judicial capacity, we observe the elders handling situations of homicidal

[206] Timothy M. Willis, *The Elders of the City: A Study of the Elders-Laws in Deuteronomy*, SBL Monograph Series 55 (Atlanta: SBL, 2001), 307. Willis notes that the local elders performed a variety of functions in Deuteronomy, including judicial (19:1-13; 22:13-21), notarial (21:18-21; 25:5-10), representative (19:1-13; 21:1-9), and cultic (21:1-9); all of which overlapped somewhat. Cf. Bruce Wells, "Competing or Complementary?: Judges and Elders in Biblical and Neo-Babylonian Law," *ZAR* 16 (2010): 73–100, who also observes a complementary function of elders and judges in Deuteronomy's Israel (and the ancient Near East).

Israelites (Deut 19:11-13), excessively rebellious children (21:18-21), public accusations of adultery (22:13-21), and the fulfillment of brotherly responsibilities to a widowed sister-in-law (25:5-10). In their ritual capacity, we observe the elders involved in an obscure ritual following the discovery of a slain corpse in their city's jurisdiction (21:1-9).[207] It must be observed, however, that although the elders were certainly active participants in the ritual (e.g., by breaking the heifer's neck), they functioned as representatives of their cities and not as the ritual specialists who oversaw the ritual (i.e., the priests).

Often alongside the elders we see the judges, who were charged with hearing cases (דברים) involving lay Israelites and/or גרים, and judging righteously and impartially (Deut 1:16-17, 16:18-20).[208] This charge applied to all judges, though there were different types or levels of judges in the society; some at the top, serving the high court (17:8-13, 19:15-21) and some at the local level, serving at the city gates or in other local affairs (16:18-20, 21:1-9, 25:1-3). The presence of judges at the centralized "high court" and in the local gates mirrors the placement of Levites, who also appear in both locations. In fact, the two were explicitly paired at the central level (17:9-12), implying by analogy that they were also likely to be paired at the local level. Although the instructions for bringing difficult cases to the central judge and priest are abbreviated in their description of how a verdict might be rendered, we may infer from their respective judicial and cultic roles and their function in texts like the discovery of a corpse (21:1-9), that the judge and priest performed similarly in their dispensing of justice in difficult cases. The judge would have brought experience and specialization in case law, whereas the priest

[207] Cf. Moshe Weinfeld, "Elder," in *Encyclopaedia Judaica*, ed. Fred Skolnik and Michael Berenbaum, 2nd ed. (Detroit: Macmillan Reference, 2007), 294.

[208] For a thorough discussion of elders and judges, see Moshe Weinfeld, "Judge and Officer in Ancient Israel and in the Ancient Near East," *IOS* 7 (1977): 65–88.

would have brought experience and specialization in cultic law and ritual tests of guilt (e.g., the test for adultery in Num 5:11-31).[209] So, although the judge, whether central or local, was by definition a specialist, he was a legal specialist rather than a ritual specialist. This makes it unlikely that he would have been responsible for overseeing social rituals, though he likely served alongside local ritual specialists in several capacities. Could these ritual specialists be the elders?

In short, probably not. Whereas the local judges in Deuteronomy were responsible for hearing cases of dispute that resulted in fines, or at worst, a severe beating of the guilty party (Deut 25:1-3), the elders seem to have been responsible for upholding local social relations and integrity.[210] In cases of murder when the guilty party fled to a city of refuge, the elders of his city were not responsible for rendering judgment of his guilt, but for retrieving him and handing him over for corporal punishment (19:11-13). In a similar way, the elders functioned as representatives of their city who maintained the social relations and integrity of their city with the rest of Israel and/or avengers of blood when a corpse was found in their jurisdiction (21:1-9). Again, the judges determined jurisdiction, the priests administered the ritual, but the elders participated as social representatives. In cases when a family publicly involved the elders in disciplining their rebellious child, a matter which was not necessarily a legal offense but a social one, the elders again represented the social (rather than legal) values of the city (21:18-21). Even in situations when a woman was accused of adultery the elder mediated as a social representative (22:13-21). Whereas this and the rebellious child situations could presumably have been dealt with in private by the *paterfamilias*, Deut 22:13-21 describes a situation in which the accusing

[209] Weinfeld, "Judge and Officer," 76, observes that the pairing of priests and judges was also attested at Horemheb's Egyptian court and in the Hittite *Edict of Muršiliš*. Note also the Levitical priesthood's exclusive use of oracular devices, i.e., the Thummim and Urim, which may have also functioned in judicial matters (Deut 33:8).

[210] Weinfeld, "Elder," 295; Weinfeld, "Judge and Officer," 81.

male had brought the issue into the public arena and placed a social burden on the city, whose representatives were the elders (22:14, 19). Finally, the elders were involved in cases when a brother openly avoided fulfilling his responsibility to provide a child to his widowed sister-in-law, an act which carried significant national social consequences (i.e., wiping out his brother's name from Israel) (25:5-10).

When we analyze the elders in light of the components above we find that: 1) they lacked even an implied rite of passage; 2) were involved in rituals based on their social status, but were not the leaders of rituals; 3) their social status and expertise limited their role to the local level; and 4) they were responsible for upholding social values, which may suggest a connection to teaching. When we analyze the local judges in light of the components above we find that: 1) they lacked even an implied rite of passage; 2) were involved in local ritual, but were not the leaders of rituals, rather their expertise was limited to judicial roles; 3) their expertise limited their role to the local level, though they had central level counterparts; and 4) their occasional access to the central court, which afforded them the opportunity and responsibility to learn and judge based on central judicial teaching, was not necessarily the same as actively teaching central judicial values. Therefore, I suggest that the elders were social specialists and the judges were legal specialists, and both were involved in rituals.[211] However, their involvement amounted to working alongside ritual specialists based on their own expertise (e.g., Deut 21:1-9), rather than leading the rituals.

[211] Willis, *Elders*, 306. makes a similar observation. He notes that the law codes of the ancient Near East were not intended to be comprehensive, but were meant to be read in light of one another and/or a "common law" that was familiar to judicial specialists. Judges and elders in Israel were legal specialists who balanced judicial flexibility with enforcing Israel's laws and traditions. Thus, they had to be experienced with the legal practices and norms of Israel and their specific communities.

The third group to be considered are the Israelite *patres familias*. Peter Altmann has taken a similar approach to the present study by suggesting an alternative to Moshe Weinfeld's view. He proposes that Deuteronomy "envisions a profound *de*-centralization of Israelite life and religion," so that it "proposes a *sanctification of the entire people of Israel*, especially the heads of households."[212] Altmann believes this extensive sanctification of the people meant that whereas the rural Levites had been the ritual specialists of the high places pre-centralization, the *patres familias* were now suitably holy to administer the distribution of what he considers locally-slaughtered "sacrificial meat," and the draining of the blood (cf. Deut 12:15-16) as "*de facto* priests."[213] Altmann also proposes that the consumption of meat in the local context would have been "a rarity for most, and therefore something quite special. This made its consumption exceptional, and easily tied to the cultic context."[214] Although my analysis above shows that I agree with Altmann on the sanctification of the entire land, rather than secularization of the entire land post-centralization, I find his assertions here to be an over-correction of Weinfeld's view, and further limited by his commitment to the Impoverished Rural Levite Hypothesis.[215] Deuteronomy may envision an elevation of social, domestic, and non-ritual activities so that they are closely connected to cultic slaughter rituals, as Altmann suggests, but no matter how special local meat consumption may have been, it was still less special than cultic meat consumption. So, the activities surrounding local meat consumption could only at best be understood as social or domestic rituals, and these should have been performed by appropriately skilled ritual specialists. There is no indication, however, that the *patres familias* had any training, experience, or skill as ritual specialists, judicial specialists, or even social specialists. They were a domestic

[212] Altmann, *Festive Meals*, 125. Original emphasis.
[213] Altmann, *Festive Meals*, 125. Original emphasis
[214] Altmann, *Festive Meals*, 124. Original emphasis.
[215] Altmann, *Festive Meals*, 119.

or non-ritual group that was qualified to perform domestic or non-ritual activities. When we analyze the *patres familias* in light of the components above we find that: 1) they lacked even an implied rite of passage; 2) were involved in domestic non-rituals, but had no clear involvement in cultic or social rituals, except perhaps as spectators; 3) their social status and expertise limited their role and authority to the household level; and 4) any teaching role would have been limited to their own household (Deut 4:10). The function of Israelite *patres familias* as ritual specialists responsible for social rituals therefore seems unlikely.

The final group which merits consideration are the officers (שׁוטרים). Because the information about the function of שׁוטרים is minimal, especially at a local level, their function as local ritual specialists remains dubious unless they can also be identified with rural Levites.[216] Evidence for this connection will be discussed in chapter four, but it has been necessary to introduce the possible connection here. If this connection is mistaken, then there is no reason to associate the שׁוטרים with local ritual, and they would thereby be eliminated as potential ritual specialists.

IV. Summary

In the history of research on the Levites in Deuteronomy the rural Levite has traditionally been interpreted as a poor resident of rural towns who had become disenfranchised from the local cult as a result of Deuteronomic cultic centralization. Besides his impoverished state at the local gate, the Levite could serve at the central sanctuary among other cultic personnel, though whether he was able to serve as a full priest (Wellhausen et. al.) or as a second-class attendant (Wright et. al.) has been debated. The goal of this chapter has been to demonstrate that an

[216] See Leuchter, "The Levite in Your Gates."

alternative to the Impoverished Rural Levite Hypothesis may be found in a structuralist socio-anthropological approach. First, I observed that the socio-anthropological method, exemplified by the ancient Near Eastern hierarchical worldview, informs how we should view the social structure underlying Deuteronomy. This is a structure comprised first of binary oppositions, which are the most basic structural components of a hierarchical society that involve asymmetrical relationships between two items. These binary oppositions are arranged into more complex groupings that create the larger structure of the society. Because of the way society is organized, analogical relationships are created at each level of the structure, which link space, time, actions, and/or roles at the various social levels. Not only does this mean that higher-tier elements are replicated in lesser iterations down the social hierarchy, but it also suggests that higher-tier elements derive meaning by analogy with their lesser iterations, and *vice versa*.

Second, because the analogical relationship between different levels of society, e.g., central and local or sacred and profane, was mediated by cultic, social, domestic, and non-ritual activities, I sought to define and clarify the features, goals, and means of ritual in ancient society. I began with Platvoet's definition of ritual, developed extensively by Gerald Klingbeil, that ritual is a special behavior which is distinguished from ordinary behavior in space, time, occasion, and/or message. I also defined non-ritual activities as those which were ordinary, and social and domestic ritual activities as those which occur in social or domestic contexts and tend to be analogically associated with official cultic rituals, albeit less special by comparison. I outlined Klingbeil's nine ritual elements and ten ritual dimensions and suggested several potential functions of cultic, social, domestic, and non-ritual that are relevant to the present discussion, namely, upholding and influencing the social structure, creating or defining the sacred by contrast with the profane, and preventing dangerous cross contamination of sacred and profane. I

concluded with an analysis of Deuteronomy's portrayal of the central and local levels of Israelite society in relation to ritual, which suggested that at least some local actions should be regarded as local social or domestic ritual analogs to central cultic ritual. This justifies interpreting many local activities as less elaborate iterations of central sanctuary rituals, but which still required proper oversight and performance from a properly experienced ritual specialist.

Third, because social and domestic rituals necessitated an appropriately qualified ritual specialist, I discussed several components of ritual specialization as observed by Klingbeil and Bell, namely: ritual texts, rites of passage, performance and/or efficacy of ritual, ranking rituals and their specialists, and teaching. I followed this with a survey of some of the figures in Deuteronomy who could have been most likely to fulfill the role of local ritual specialist. The local elders and judges were considered possible candidates based on their location in the city gates and their occasional involvement in local ritual, but it was determined that they held social or judicial specialization, respectively, rather than ritual specialization. The Israelite *patres familias* were considered because of Altmann's view that they had been sanctified to the level of priests and therefore capable of performing local slaughter as an extension of cultic slaughter, but it was determined that the authority of the *patres familias* was limited to their households, and that there is no indication that they had any experience as social ritual specialists, though they may have performed domestic rituals. The local שׁוטרים were also suggested as possible ritual specialists, but the likelihood of their service in this capacity was only regarded as significant if they could also be identified as Levites. Otherwise, the officers had no significant claim as ritual specialists. This leaves only the rural Levites as possible ritual specialists for social ritual, and as possible alternatives to *patres familias* for domestic ritual. Although the qualifications of the rural Levites as local ritual specialists responsible for performing social or

domestic ritual will be considered in detail in the next chapter, the socio-anthropological method expounded above enables us tentatively to identify the rural Levites as the most likely local ritual specialists, compared to the elders, judges, and *patres familias*.

Because of the necessity for ritual specialists to ensure proper performance (or avoidance) of ritual procedures on the one hand, and the Levites' accessibility to central sanctuary rituals on the other hand, I believe that Deuteronomy's references to the "Levite in your gates" should not be understood based solely on their association with the local גר, orphan, and widow. Rather, in light of the socio-cultic structure of Israel as conveyed generally in the HB and specifically in Deuteronomy, the rural Levites may have plausibly functioned as central-level ritual specialists (Deut 18:6-8) and as local-level social and/or domestic ritual specialists who were responsible for overseeing local social and/or domestic rituals that were analogous to the central sanctuary cultic rituals with which they were also familiar. The remainder of this project will be devoted to considering several roles that the Levite *might* have performed as a local social and/or domestic ritual specialist.

Chapter 3: Rural Levites as Firstborn Substitutes and Intermediaries

I. Levites as Socio-Cultic Firstborn Substitutes in Deuteronomy

The Hebrew Bible describes the offering of human, agricultural, and pastoral firstfruits (בכור) as a significant component of the ancient Israelite cultic system. This offering, especially the offering of firstborn humans, is described in several Pentateuchal texts.[1] Although Exod 22:28 makes no explicit substitutional provision for human firstborn,[2] this contrasts Exod 13:12-13 and 34:20, which allow for a non-descript form of redemption, and with Num 3:11-13, 40-51, 8:14-19, and 18:15-18, which require that the Levites function as substitutes for human firstborn, unless the number of human firstborn was greater than the number of Levites.[3] Deuteronomy's treatment of the firstfruits is unique because it describes only pastoral and agricultural firstfruits and their substitutes (בכרת בקרכם וצאנכם), but conspicuously neglects to mandate a human בכור offering and its appropriate form of substitution.[4] In this chapter I will suggest that this lacuna in Deuteronomy's description of the firstborn is a result of Deuteronomy's intertextual dependence on the firstborn substitution texts in Numbers, where the Levites are provided by YHWH as substitutes for Israel's firstborn. Despite Deuteronomy's lack of an explicit prescription for the Levites to function in this capacity, there are several subtle hints which may be used to support

[1] Exodus 13:13; 22:28; 34:20; Num 3:11-13, 40-51; 8:14-19; and 18:15-18.

[2] In Lev 27:26-29 the offering of בכור is not necessarily described, but the text requires that any humans who are offered as חרם to YHWH may not be redeemed, which is conceptually similar to a literal reading of Exod 22:28.

[3] In which case the parents of the בכור were taxed 5 shekels, payable to the sanctuary. This is certainly also what Num 18:15-18 describes. Although Num 18:15-18 lacks a comment about the Levites functioning as the first round of בכור substitutes, followed by the second round of a 5 shekel tax for excess בכור, this difference is based on the function of Numbers 18 as a description of Priestly revenue. The Levites, unlike the other resources described in Num 18:8-20, were not consumable.

[4] Deut 12:6, 17; 14:23; 15:19; 25:6; 33:17. Deuteronomy also uses the term ראשׁית to refer to this offering in 18:4; 21:17; 26:2, 10.

the probability that Deuteronomy not only required the offering of human firstborn, but also expected the Levites to function as their substitutes. In the second section I will discuss how the Levites' function as firstborn substitutes was foundational for their broader function as socio-cultic intermediaries throughout the Hebrew Bible. There are four ways in which we may infer that Deuteronomy intends for the Levites to function as firstborn substitutes.

A. Deuteronomy's Human בכור

I begin with Deut 21:15-17 and 25:5-6, texts which have nothing specifically to do with the Levites, but which inform Deuteronomy's presentation of human firstborn. Deut 21:15-17 describes the appropriate way for a *paterfamilias* to bequeath his estate to an unloved firstborn son in a polygamous household. We have three possible explanations for why the firstborn son in this text would be alive to inherit the appropriate double portion allotment. One explanation could be that Deut 21:15-17 describes a time in Israel's history that predates both firstborn substitution and sacrifice. Yet, even if we hold to the view that Exod 22:28 made no provision for firstborn substitution, but fully expected human firstborn to be sacrificed (or dedicated to the cult),[5] it would be unlikely that Deut 21:15-17 predates this text, since D in other respects relies upon CC.[6] Another explanation might be that Deut 21:15-17 describes a stage in Israel's cultural development at which no firstborn substitution was required.[7] This too is unlikely because it implies that Deuteronomy represents an anomalous stage in Israel's history.[8] The most likely explanation is that the firstborn son was alive to inherit his father's wealth because he had been

[5] See my discussion in section D below of Moshe Weinfeld, "The Worship of Molech And of The Queen of Heaven And Its Background," *UF* 4 (1972): 133–54.

[6] Cf. Bernard M. Levinson, *Deuteronomy and The Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997).

[7] Given the polemic in Deut 12:31 against burning "sons and daughters in the fire to their gods," it is more improbable that Deuteronomy could describe the same stage of cultural development as Exod 22:28, if that text even describes human sacrifice.

[8] Even in Neh 10:35-37 the human בכור was brought to the sanctuary with the rest of the firstfruits.

redeemed via the Levitical method of firstboron substitution described in Numbers. The same logic applies to our interpretation of Deut 25:5-6, where a firstborn male takes the name of his father's dead brother "so that his name will not be wiped out from Israel."[9] A son who has been sacrificed or dedicated to the cult can hardly prevent the dead brother's name from being wiped out. Thus, at this point we can already see that with respect to human firstborn, it is preferable to read Deuteronomy with Numbers. Yet, it remains to be demonstrated that the Levites were most likely intended to be the substitutes for Deuteronomy's human firstborn.

B. The Levitical Entitlement Phrase and Debt-Slavery in Deuteronomy

A second feature of Deuteronomy which suggests that it considers the Levites to be firstborn substitutes is what I will refer to as the "Levitical Entitlement Phrase." The first occurrence of this phrase is Deut 10:9, which reads "Therefore, Levi does not have a portion or inheritance with his brothers; the Lord is his inheritance." This phrase also occurs with some variation in Deut 18:1-2, and in 12:12; 14:27, 29, where "the Lord is his inheritance," is absent. Whereas its use in Deut 18:1-2 could apply to sanctuary priests and Levites (see chapter two on the debated status of Levites in Deuteronomy), the use of the phrase in Deut 12:12 and 14:27 and 29 could only apply to the rural Levites. What is particularly helpful about the phrase in Deut 10:9 is that it is followed by a citation formula, כאשׁר דבר יהוה אלהיך לו, "just as the Lord your God said to him." Jacob Milgrom has observed that this type of formula may be written in one of three ways: כאשׁר צוה, כאשׁר נשׁבע, or כאשׁר דבר, though the latter two are synonymous and function as citations of divine promises.[10] Milgrom asserts that this citation formula, "is

[9] Deuteronomy 25:6.

[10] Jacob Milgrom, "Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy," *HUCA* 47 (1976): 4. Milgrom observes these citations in Deut 1:11, 19, 21; 2:1, 14; 4:5; 5:12, 16, 28-29; 6:3, 19, 25; 9:3; 10:5, 9; 11:25; 12:21; 13:18; 15:6; 18:2; 19:8; 20:7; 24:8; 26:15, 18, 19; 27:3; 28:9; 29:12; 31:3; and 34:9.

Deuteronomy's 'cf.,' its unique formula to indicate the sources which it assumes are so obvious to the reader that there is no need to quote them."[11] The referents of the citation in Deut 10:9, and all subsequent uses of the Levitical Entitlement Phrase in Deuteronomy, are Num 18:20 "You shall have no portion or inheritance in their land or a portion in their midst; I am your portion and your inheritance in the midst of the sons of Israel," and 18:24, "The tithe of the sons of Israel, which they offer as an offering to the Lord, I have given to the Levites for an inheritance; therefore, I have said concerning them, 'In the midst of the sons of Israel they shall have no inheritance," which shows that Deuteronomy is aware of and citing P.[12] The referent in Num 18:24 is also a restatement of 18:23 just before it, which reads, "But, the Levites shall work it, i.e., the labor of the tent of meeting, and they shall bear their iniquity; it shall be a perpetual statute for your generations, and in the midst of the sons of Israel they shall have no inheritance." This citation is typically used by scholars either to support the Impoverished Rural Levite Hypothesis, or to establish Deuteronomy's reliance upon or harmonization of the tithe laws of Numbers 18. There are several problems with both of these uses.

Regarding Deuteronomy's citation of Numbers 18 being used to support the Impoverished Rural Levite Hypothesis, the first problem is that the hypothesis assumes that the groups represented in the list of Levite, widow, orphan, and גר are included together for the same

[11] Milgrom, "Profane Slaughter," 4.

[12] Milgrom, *Leviticus 23-27*, 2432. See also Milgrom, "Profane Slaughter," 12; McConville, *Law and Theology*, 70–71. Compare to the phrasing "You shall have no portion or inheritance in their land or a portion in their midst; I am your portion and your inheritance in the midst of the sons of Israel," applied to the priests in Num 18:20 with the similar phrasing in Deut 10:9; 18:1-2; and compare the phrasing "They shall have no inheritance in the midst of the sons of Israel" applied to the Levites in Num 18:24 with the similar phrasing in Deut 12:12; 14:27, 29. The second phrase is notably missing the statement that YHWH is the Levites' "portion and inheritance." Although we might be tempted to use this distinction to suggest that Deuteronomy distinguishes between priests in Deut 10:9 and 18:1-2, and Levites in Deut 12:12; 14:27, 29, we will see in section IIB below that Deut 10:8-9 refers to roles that P identifies as priestly and non-priestly. So, Deuteronomy does not seem to use the different phrasing of the Levitical entitlement phrase to distinguish between priests and Levites, but it may use it to distinguish between sanctuary and rural Levites.

reasons, namely, mutual impoverishment. However, although the list seems to be unified by the theme of socio-economic vulnerability, it is possible that these groups were included in the same list for entirely different reasons.[13] For example, the consistent presentation of the Levites first in the list could suggest that they not only received benefits *with* the group, but were also responsible for ministering *to* the group. Despite lacking an inheritance with Israel, the Levites were present in (בתוך) the landed inheritance of Israel and they received tithes in exchange for their presence.[14] In the case of the Levites, the tithe was not a type of welfare, but may have been income for services rendered in the שׁערים.

The hypothesis also tends to assume Weinfeld's view of full secularization of the land, so that anything remotely cultic would have been rendered illicit and removed. However, the concept of full secularization seems quite foreign to Deuteronomy. Full secularization of the land also requires full sanctification of the holy place, as if all holiness had been drawn out of the land and into the sanctuary.[15] Yet, Deuteronomy presents the Israelite people as holy and influencing the holiness of the land, albeit with different levels of holiness based on proximity to the sanctuary.[16] Besides the holiness of the land, some local activities also retained a semblance of their originally cultic forms. The chief examples of these are non-cultic slaughter (Deut 12:15-16), which despite the lack of an altar still retained a significant social-level blood ritual and a

[13] E.g., McConville, *Law and Theology*, 150. suggests that the Levites were entirely different from the other members of the list because of their "brotherhood" with the rest of Israel; whereas the widow, orphan, and גר lacked this brotherhood.

[14] This interpretation is influenced by Frese, "Civic Forum" and Frese, "Land of Gates," which are discussed in greater detail below.

[15] Norbert Lohfink, "Opfer und Säkularisierung im Deuteronomium," in *Studien zu Opfer und Kult im Alten Testament: mit einer Bibliographie 1969-1991 zum Opfer in der Bibel*, ed. Adrian Schenker, FAT 3 (Tübingen: Mohr Siebeck, 1992), 15–44. likewise questions the full secularization of the land, observing instead that the whole land became sacralized.

[16] Deuteronomy 7:6; 14:2, 21; 23:14: 28:9. See my discussion of gradation in chapter five.

degree of sanctity, and the triennial tithe (Deut 14:28-29), which functioned as a semi-sacred payment for employment of the Levite and also as communal provision for the גר, orphan, and widow. How these things could function as semi-sacred rather than fully secular versions of their cultic equivalents will be discussed in the next two chapters.

Additionally, the hypothesis assumes that Levites could retain tithe entitlement without working for it, except when they chose to serve at the central sanctuary (Deut 18:6-8). I will argue below that tithe entitlement, even in Deuteronomy, was owed to the Levites because of their *ongoing* function as firstborn substitutes (cf. Num 18:21-24). It is also difficult to argue that the Levites could have originally served in prominent cultic roles, but were displaced from the cult entirely without being appointed to a new vocation (as noted in chapter one). In short, the Impoverished Rural Levite Hypothesis relies upon assumptions about ancient Israelite culture that are not necessarily consistent with the socio-anthropological structure of Israelite society, and upon assumptions about the Hebrew Bible (e.g., the relationship between P and D) that are unwarranted.

Besides using Deuteronomy's citation of Numbers 18 to support the Impoverished Rural Levite Hypothesis, it is also problematic that scholars use the citation to establish Deuteronomy's reliance upon or harmonization of the tithe laws of Numbers 18, since it is not the end of the string of citations.[17] Rather, the statement in Num 18:22-23 relies upon an earlier context in which cultic service in the tent of meeting is bestowed upon the Levites by YHWH (Num 3:5-13, 40-50).[18] In Numbers 3 the Levites are first identified as cultic substitutes for Israel's human

[17] Milgrom, *Leviticus 23-27*, 2432. discourages attempts to harmonize these tithe laws due to their obvious differences.

[18] Numbers 8:5-22 is also part of this context. Although it functions as the official ritual for the substitution for the firstborn by the Levites, it is not the first reference to the substitutionary function of the Levites.

firstborn. The text suggests that whereas the firstborn belonged to YHWH (3:12-13) and would have been responsible for serving the priesthood (3:6-10), the Levites functioned as their ritual replacements. Although no reason for this substitution is provided in Numbers 3, Num 8:19 elaborates that Levitical substitution was, "so that there will be no plague among the sons of Israel because of the sons of Israel's coming near to the sanctuary." In short, Numbers 18 relies upon and assumes Levitical substitution for Israel's human firstborn in Numbers 3 as the functional and ritual basis not only for Levitical tithe dues, but for their cultic service in the first place. Deuteronomy 10:9 does not only reference Num 18:24, but also the supporting context which justifies it, i.e., Num 3:5-13, 40-50 and 8:5-22. What remains to be explained is the economic basis for YHWH's claim that the human firstborn and by substitution, the Levites, "shall belong to me."[19]

In the context of the ancient Near East, YHWH's claim on the human firstborn suggests that they functioned as YHWH's debt-slaves. Gregory Chirichigno uses a comparative approach to consider the function of ancient Near Eastern debt-slavery as a conceptual basis for the manumission laws in Exodus 21, Deuteronomy 15, and Leviticus 25. Chirichigno observes that ancient Mesopotamia had three social classes: large land-owning citizens, semi-free small land-owning citizens (e.g., *mušKenum*), and unfree chattel-slaves.[20] In the economic climate of ancient Mesopotamia, the *mušKenum* gradually lost control of his resources to large land-owners, often as a result of his dependency upon the large land-owner class as creditors for high interest loans.[21] In the likely event that the *mušKenum* was unable to repay a loan, he would have to sell or surrender members of his family into debt-slavery, which allowed him to pay on the interest

[19] Numbers 3:12, 13; 8:14, 17.
[20] Chirichigno, *Debt-Slavery in Israel and The Ancient Near East*, 49.
[21] Chirichigno, *Debt-Slavery*, 51.

of the loan (not necessarily the capital) while he or a member of his household provided manual labor on the creditor's land.[22] Whether the pledge was given to the creditor when the loan was issued or when the debtor defaulted on the loan depended upon the culture.[23] When humans were pledged, there was often a redemption clause included in the loan, which would have allowed the debtor to redeem his pledge.[24] However, Chirichigno writes, "While permanent debt-slavery was most likely unacceptable during most periods it is clear that under certain circumstances a pledge could become the permanent possession of a creditor."[25] This is one distinguishing feature of debt-slavery compared to indentured servitude. Whereas debt-slaves held a higher status as citizens and were often afforded more favorable terms in their contracts (e.g., the right to redemption), chattel-slaves were typically immigrants who were forced to accept less favorable life-long contracts, often purely for subsistence.[26]

Chirichigno suggests that debt-slavery propagated in ancient Israel under similar conditions, i.e., under increased centralization, taxation, and land monopolization during the eighth century BCE monarchy and beyond.[27] The primary difference in the biblical model for Israelite debt-slavery is that the favorable loan conditions typically afforded to citizen debt-slaves were also extended to chattel-slaves.[28] Although Chirichigno's assessment of biblical debt-slavery is limited to Exodus 21, Deuteronomy 15, and Leviticus 25, Ada Taggar-Cohen has extended her analysis to include the function of the Levites in Numbers 3 and 18.[29] Taggar-

[22] Chirichigno, *Debt-Slavery*, 51. This is evinced by the *tidennu* contracts at Nuzi and the *mazzazānu* contracts in OB and OA.

[23] Chirichigno, *Debt-Slavery*, 73. E.g., š*apartu* loans in Middle Assyrian Laws required the pledge to be given when the loan was issued.

[24] Chirichigno, *Debt-Slavery*, 75.

[25] Chirichigno, *Debt-Slavery*, 77.

[26] Chirichigno, *Debt-Slavery*, 53–54, 99-100.

[27] Chirichigno, *Debt-Slavery*, 113, 140-44.

[28] Chirichigno, *Debt-Slavery*, 184–85.

[29] Taggar-Cohen, "Law and Family."

Cohen asserts that in Numbers 3, 4, 8:5-26 and 18 the function of the Levites parallels the *tidennūtu* debt-slaves of Nuzi. Whereas Israel's inheritance was the land, the priests' inheritance was their own physical labor and YHWH's provision of Levites as their cultic assistants (Num 18:6-7), and the Levites' inheritance was the tithe of Israel.[30] Taggar-Cohen observes that the correlation of חלף, "in exchange for," in Num 18:21 with its use in other ancient Near Eastern documents suggests that YHWH's granting of an inheritance to the priests and Levites constituted a legal act performed by YHWH.[31] The dedication of the Levites to the priests as נתנים was the fulfillment of a legal antichretic pledge.[32] In other words, the debtors (Israel) pledged property (Levites) to the creditor (YHWH) that allowed the creditor to use their property in lieu of interest on the debt they owed. The important point is that whereas other forms of piety may have functioned as Israel's payment on their debt to YHWH, the offering of Levites as firstborn substitutes functioned as a payment on the interest.[33]

The contracts written for *tidennūtu* service included detailed terms for the parties involved, the nature of work to be done, the duration of time for which it would occur, and the wages that debt-slaves would receive. Various details about the Levites' contract may be found in Numbers 3, 4, 8, and 18. The parties involved in the contract include the debtors (the sons of Israel), the creditor and recipient of the *tidennu* servants (God), and the *tidennu* themselves (the Levites), and the Levites are further allocated by God to serve the priests in the cultic sphere.[34] It is important to recognize that God, not the priests, was the recipient of the Levites, as Taggar-Cohen writes, "The Levites' master (creditor) is God, not the priests. They are to serve in the

[30] Taggar-Cohen, "Law and Family," 78.
[31] Taggar-Cohen, "Law and Family," 79.
[32] Taggar-Cohen, "Law and Family," 85, 89.
[33] Taggar-Cohen, "Law and Family," 85.
[34] Taggar-Cohen, "Law and Family," 87.

Tabernacle 'before,' i.e., under the supervision of the priests, but they work for God's sake."[35] In short, they are not servants of the priests. They are God's servants under priestly supervision.

The terms of the Levitic *tidennūtu* contract stipulate that their work would be עבדה and שׁמר משׁמרת, which I mentioned briefly in chapter one. Jacob Milgrom has elaborated on the meanings of עבדה and שׁמר משׁמרת. Whereas עבדה is often blandly translated as "service," Milgrom suggests that its use in the context of Levitical action always refers to עבדה performed by the Levites.[36] In P, it often describes labor associated with the erection, dismantling, and transportation of the tabernacle, including nuances in the types of physical labor according to Levitical clan gradation (Numbers 4).[37] Alternatively, outside of P it could refer to Levites performing various types of cultic service.[38] The physical nature of עבדה therefore justifies the stipulation that the duration for this particular type of contracted work would only be from age 25 or 30 to 50 years old, for a total of 20-25 years of Levitical עבדה.[39]

The other type of work for which the Levites were contracted was שׁמר משׁמרת, which is translated ambiguously as "to keep an obligation,"[40] but according to Milgrom it should refer to literal or metaphorical "guard duty."[41] When the phrase is used in the context of the sanctuary it refers to the specific role of the Levites to guard the sacred space by executing a trespassing

[35] Taggar-Cohen, "Law and Family," 89.
[36] Milgrom, *Studies*, 60–87. Milgrom distinguishes עבדה from מלאכה, which he interprets as "skilled labor" (80).
[37] Milgrom, *Studies*, 62.
[38] Milgrom, *Studies*, 60–61, 87.
[39] Numbers 4:3, 23, 30 and 8:23-25.
[40] Numbers 8:26, NASB.
[41] Milgrom, *Studies*, 9.

Israelite זר "stranger."[42] שׁמר משׁמרת is also used in non- or semi-cultic settings to refer to guarding from taboo, e.g., by overseeing a person's conduct or procedures.[43] It can also take a more metaphorical meaning so that, "guarding with weapons becomes guarding by will power; and self-discipline replaces soldiery."[44] Due to the nature of שׁמר משׁמרת, it is unsurprising that there is no end to this aspect of the Levites' contract, and therefore no end to their compensation (Num 8:26).[45] Extending שׁמר משׁמרת indefinitely meant that there would be more Levites on hand to protect the sacred areas of the tabernacle from lay Israelite encroachment. Additionally, the presence of semi-retired artisan Levites ensured greater ritual precision drawn from a lifetime of experience in cultic service. Milgrom adds "of the two major Levitic roles, guarding and removal, there can be no doubt which is the more important: the labor force is activated only when the camp is on the move, but guard duty is a perpetual responsibility."[46] As we will observe, Levitical guard duty is not only perpetual in the sense that it lasted throughout a Levite's entire lifetime, but also in the sense that the broader, metaphorical, interpretations of שׁמר משׁמרת allowed for this Levitical function to extend beyond the cultic sphere into the non- and semi-cultic roles of the social sphere.

In exchange for their משׁמרת and/or their עבדה, the Levites would be paid from Israel's tithe (Num 18:21-24). This part of the contract is particularly important because it suggests that the Levites were compensated *quid pro quo*. They received their portion of the tithe in exchange

[42] Milgrom, *Studies*, 16.
[43] Milgrom, *Studies*, 9, 11 n 41.
[44] Milgrom, *Studies*, 11.
[45] Milgrom, *Studies*, 9.
[46] Milgrom, *Studies*, 65.

for the work they performed. Even when they retired from עבדה, their tithe-based compensation was not an entitlement, but was based on their ongoing משמרת (Num 8:24-26). When we trace the citation in Deut 10:9 all the way back not only to its initial referent (Num 18:20 and 24), but also to the context upon which that referent depends, we see that although Deuteronomy lacks a phrase like "I have taken the Levites from among the sons of Israel instead of every firstborn," (Num 3:12) it nevertheless envisions the Levite's cultic dues as dependent on their service at the tent of meeting, which itself is dependent upon their foundational role as firstborn substitutes. In a similar manner, when we read forward in Deuteronomy and observe other applications of the Levitical Entitlement Phrase to the rural Levites, it appears that their function as firstborn substitutes was the basis for statements about their lack of inheritance. Why is this important?

Whereas the traditional interpretation of the Levitical Entitlement Phrase has been informed by the Impoverished Rural Levite Hypothesis, my analysis of the phrase suggests that cultic dues are not the focus. The notion that Deuteronomy's centralization left the Levites poor and destitute, but that the text afforded them a rural tithe entitlement (e.g., Deut 14:28-29) as a consolation for taking away their jobs, is based on an erroneous assessment of the ancient Near Eastern economy. The Levitical Entitlement Phrase in Deuteronomy alludes to the foundational role of Levitical firstborn substitution, based on the concept of debt-slavery, which meant that their tithe-based compensation was conditioned on their ongoing service.[47] Additionally, the entitlement phrase uses the Levites' firstborn substitution to justify their ongoing cultic and/or analogous non- and semi-cultic derived roles, and to justify their tithe compensation based on

[47] This is further substantiated by the analogy between the dues of rural Levites in the gates and the dues of Levites at the central sanctuary. Just as Levites were entitled to dues at the central sanctuary because of their assumed ongoing service there (Deut 18:6-8), so they are entitled to dues in the gates (i.e., the triennial tithe, Deut 14:28-29) because of their ongoing service there. The Levites were not entitled to dues at either location unless they were performing a service.

their ongoing service in these roles.[48] By "derived roles" I mean the various roles which are dependent upon the Levites having been appointed to cultic service, i.e., their function as socio-cultic intermediaries as non- and semi-cultic derivations of their משמרת and עבדה, as discussed in section two below. In addition to Deuteronomy's understanding of the Levites as firstborn substitutes based on its Levitical Entitlement Phrase, which alludes to Numbers 3, 8, and 18, Deuteronomy is also familiar with debt-slavery, the concept upon which Levitical firstborn substitution was based.

Chirichigno observes that the manumission law of Deut 15:12-18 is similar to Exod 21:2-6, though it innovates in some areas, e.g., provisions for released slaves.[49] Chirichigno suggests that the additions in Deut 15:12-18, "reflect the theological intentions of the Deuteronomist rather than any attempt to make fundamental changes to the older manumission law in Exod. 21.2-6."[50] Thus, besides the Levitical Entitlement Phrase, Chirichigno's assessment of Deuteronomy 15 shows that Deuteronomy's conception of debt-slavery parallels that which we find in Exodus 21 and the broader ancient Near East. So, although Deuteronomy never mentions an offering or substitution of human firstborn, Deuteronomy's Levitical Entitlement Phrase alludes to the function of Levites as firstborn substitutes *and* Deuteronomy 15 demonstrates familiarity with debt-slavery.

[48] McConville, *Law and Theology*, 151. likewise objects to the Impoverished Rural Levite Hypothesis, asserting on similar grounds "The Levite is not presented as poor anywhere in Deuteronomy. Rather he has a fundamental share in the inheritance of Israel."

[49] Deuteronomy 15:13-15; Chirichigno, *Debt-Slavery*, 262.

[50] Chirichigno, *Debt-Slavery*, 300; cf. J. Gordon McConville, *Law and Theology*, 110–23.

C. עזב in Deuteronomy 12:19 and 14:27

Another central element to the interpretation of Levites as firstborn substitutes is derived from our interpretation of the verb עזב in Deut 12:19, השמר לך פן־תעזב את־הלוי כל־ימיך על־אדמתך, "Guard yourself, lest you עזב the Levite all your days upon your land," and 14:27, והלוי אשר־בשעריך לא תעזבנו כי אין לו חלק ונחלה עמך, "As for the Levite who is in your gates, you must not עזב him because he does not have a portion or inheritance with you." Interpretations of this verb tend to be colored by the Impoverished Rural Levite Hypothesis, so that the translation of עזב is typically "forsake" or "neglect," often in reference to a deliberate neglect and abandonment, e.g., of God or Baal, or e.g., of rural Levites for cultic personnel at the central sanctuary.[51] This is a valid translation in certain contexts, and also happens to be the primary translation for that root.[52] However, this translation in Deut 12:19 and 14:27 is derived more from interpretive presuppositions about the status of the Levite, rather than the grammatical context. When we suspend our acceptance of the Impoverished Rural Levite Hypothesis and

[51] Lundbom, *Deuteronomy*, 436, 485; Milgrom, *Leviticus 23-27*, 2432–34; Nelson, *Deuteronomy*, 186. Although עזב is not specifically discussed by Christensen, *Deuteronomy 1:1-21:9*; Tigay, *Deuteronomy*, or McConville, *Deuteronomy*. These scholars tend to discuss provision for the Levites.

[52] I have observed that "forsake" is appropriate for at least 115 out of the 214 occurrences. Some of the remaining uses of עזב are more complicated and may be interpreted as locative and/or figurative. עזב is used figuratively in: Gen 24:27; Deut 28:20; 29:24; 31:16, 17; Josh 24:16, 20; Judg 2:12, 13; 10:6, 10, 13; 1 Sam 8:8; 12:10; 1 Kings 6:13; 8:57; 9:9; 11:33; 12:8, 13; 18:18; 19:10, 14; 2 Kings 17:16; 21:22; 22:17; Isa 1:4, 28; 41:17; 49:14; 54:6, 7; 58:2; 60:15; 65:11; Jer 1:16; 2:13, 17, 19; 5:7, 19; 9:12; 16:11 (2 times); 17:11, 13 (2 times); 19:4; 22:9; Ezek 20:8; 23:8; Hos 4:10; Jon 2:9; Ps 9:11; 10:14; 22:2; 27:10; 37:8, 25, 28, 33; 38:11, 22; 40:13; 71:9, 11, 18; 89:31; 94:14; 119:8, 53, 87; Job 6:14; 9:27; 10:1; 20:13, 19; 39:11, 14; Prov 2:17; 3:3; 4:2, 6; 9:6; 10:17; 27:10; 28:4, 13; Ruth 2:20; Dan 11:30; Ezra 8:22; 9:10; Neh 5:10; 9:17, 31; 1 Chron 28:9, 20; 2 Chron 7:19, 22; 10:8, 13; 12:1, 5; 13:10, 11; 15:2 (2 times); 21:10; 24:20 (2 times), 24; 28:6; 29:6; 32:31; 34:25. עזב is used ambiguously (either locatively or figuratively) in: Gen 28:15; Exod 23:5; Deut 31:6, 8; Josh 22:3; 1 Kings 14:10; 21:21; 2 Kings 9:8; 14:26; Isa 42:16; 55:7; 62:4, 12; Jer 9:1; 18:14; 51:9; Ezek 8:12; 9:9; 23:29; Mal 3:19; Ps 49:11; Prov 2:13; 15:10; Lam 5:20; Ezra 9:9; Neh 9:28; 10:40; 13:11; 2 Chron 24:18.

consider the context in which עזב occurs in Deut 12:19 and 14:27, an alternative locative translation of עזב as "leave behind" is more appropriate.[53] Deuteronomy 12:17-19 and 14:22-27 focus on events occurring at the central sanctuary, where rural Levites were *not* typically located, as opposed to the local שׁערים, where they *were* typically located. In other words, the emphasis is on the location of the rural Levites and the need for them to be brought to the central sanctuary, rather than left behind in the שׁערים. In particular, we see that both texts intend the inclusion of the Levites in the offering of firstfruits (בכור), among other cultic activities. We observe this connection first in Deut 26:1-11, where the Levites are present at the firstfruits offering along with the lay Israelite's household and the גר. We observe a similar connection between rural Levites and the firstfruits in Neh 10:34-39. Here, the Levites are not only responsible for receiving tithes, but also for receiving and transporting all kinds of firstfruit items (humans, animals, and agriculture). But why are the Levites part of this process in Nehemiah 10?

One explanation is that their involvement is simply pragmatic, i.e., because the Levites already receive and transport the local tithes, they should also receive and transport the local firstfruit offerings. While this is partially valid, the inclusion of the phrase בכרות בנינו, "the firstborn of our sons," suggests that the Levites fulfill a second function. It is not likely that the human בכרות would be gathered into a storage room like the other firstfruit items and then taken

[53] The locative translation of עזב is appropriate for at least 65 out of the 214 occurrences. עזב is used locatively in: Gen 2:24; 39:6, 12, 13, 15, 18; 44:22 (2 times); 50:8; Exod 2:20; 9:21; Lev 19:10; 23:22; 26:43; Num 10:31; Deut 12:19; 14:27; 32:36; Josh 1:5; 8:17; Judg 2:21; 1 Sam 30:13; 31:7; 2 Sam 5:21; 15:16; 1 Kgs 19:20; 2 Kgs 2:2, 4, 6; 4:30; 7:7; 8:6; Isa 6:12; 7:16; 10:3, 14; 17:2, 9 (2 times); 18:6; 27:10; 32:14; Jer 4:29; 9:18; 12:7; 14:5; 25:38; 48:28; 49:11, 25; Ezek 24:21; 36:4; Zeph 2:4; Zech 11:17; Ps 16:10; 27:9; Job 18:4; Ruth 1:16; 2:11, 16; Neh 9:19; 1 Chron 10:7; 14:12; 16:37; 2 Chron 11:14; 24:25; 28:14.

by the Levites to be dedicated to the cult or sacrificed at the sanctuary. Rather, the human בכרות clearly serve a ceremonial function in Neh 10:37. They are being brought to the central sanctuary in order to participate in the Levitical dedication ritual mentioned in Num 8:5-13 (cf. 8:17-19), or if there are more בכרות than Levites, for their parents to pay a redemption tax (Num 18:15-16). It is important that we read the Levitical substitution rituals in Numbers 8 and 18 not as an isolated one-time event, but as prescriptions for rituals that would occur annually with the offering of firstfruits.[54] This is what Neh 10:37 describes, and I propose that this is precisely what Deuteronomy 12:17-19 and 14:22-27 prescribe. Whether Deuteronomy 12 and 14 also parallel Neh 10:37 in placing the rural Levite over local tithe administration will be discussed in the next chapter.

Besides participating in the annual firstborn substitution ritual, the use of עזב as a locative expression in Deuteronomy 12 and 14 may also be intended to prescribe the presence of Levites at the annual חגים so that they could function as back-up ritual specialists for overburdened priests. This scenario is presented during Hezekiah's rededication of the Temple (2 Chron 29:31-36). When too few priests were available to facilitate the offerings, the Levites helped to skin the animals and were even commended for being more conscientious about consecrating themselves for cultic service than the priests had been (2 Chron 29:34). Likewise, at Hezekiah's feast of Unleavened Bread and Passover, the Levites became responsible for handing sacrificial blood to

[54] Jacob Milgrom, *Numbers*, JPS Torah Commentary (Philadelphia: JPS, 1990), 61, affirms the possibility that this dedication ceremony could occur more than once. Specifically, he mentions that Levites who were under the age of service would have to experience a similar purification rite once they reached the age of 30 before they could perform עבדה. By contrast, Iain M. Duguid, *Numbers: God's Presence in The Wilderness*, Preaching The Word (Wheaton, IL: Crossway, 2006), 52, suggests that the substitution referenced in Numbers 3 was only intended as a one-time event for the firstborn children of the exodus generation because they were special.

the priests and for performing cultic slaughter because insufficient numbers of priests had become consecrated (2 Chron 30:16-17). At Josiah's Passover, the Levites slaughtered, bled, and skinned the animals.[55] The Levites, due to their ritual purity and knowledge of priestly ritual procedure, are attributed with doing everything except altar service. Although Deut 18:1-8 certainly does not mandate the presence of rural Levites, the aforementioned ambiguous language of Deuteronomy 18 at least leaves open the possibility that in certain circumstances (perhaps more exceptional than normative), rural Levites could function in a priestly capacity, especially during busy festivals when consecrated priests were in short supply. This type of shortage may have been an immediate consequence of cult centralization.

From my own perspective, I have typically viewed Deuteronomy's cult centralization mostly in terms of how it impacted the שערים, or if it impacted the central sanctuary, my concerns were mostly related to the interpretation of Deut 18:1-8. However, it occurs to me that centralization would have had further implications for the central sanctuary. If we assume that pre-centralization the Israelites worshipped at a collection of sites (including the temple and several local high place altars), then worshippers and ritual specialists would have been broadly distributed and each site could have accommodated only a limited number of worshipers, offerings, and ritual personnel. But when worship was centralized to a single central sanctuary, that location would have sorely lacked the infrastructure required to accommodate all the worshippers and offerings throughout the nation of Israel (even if that nation was largely reduced in size to the territory of Judah). In particular, the central sanctuary lacked the cultic personnel that were necessary for the greatly expanded חגים. In other words, without the rural Levites

[55] 2 Chronicles 35:11-15. Levites also functioned as slaughterers of the Passover animals on behalf of the priests and themselves (Ezra 6:20), suggesting that in the post-exilic period this role may have been commonplace.

present to function in their usual cultic roles, or as backups for some priestly roles, the major festivals could have been compromised. It seems that Deuteronomy fails to account for this problem, unless of course the reminder not to עזב the rural Levite served this purpose, as I have asserted.

Traditional interpretations of עזב are not entirely problematic, but they miss the full implications of the term (not to mention the full implications of cult centralization for the infrastructure of the central sanctuary), and they contribute to the obfuscation of Levitical roles in Deuteronomy. The use of עזב in Deuteronomy 12 and 14 is meant to include the Levites in the annual festivals, which although part of their livelihood, were probably not their only means of sustenance.[56] However, if we read the entitlement phrase as a reminder not only of the Levites' cultic dues, but also of their function as firstborn substitutes (which was the basis for their cultic dues), then we must read עזב in the same light. It reminds the reader of one way in which the Levite would receive his portion and inheritance, but it also reminds us of the Levites' ongoing function in the firstborn substitution ritual. Leaving the Levites out of the annual festivals would certainly forsake them, but it would also forsake the firstborn, and in part, even the covenant with YHWH. In summary, עזב in Deut 12:19 and 14:27 should be translated as a locative expression meaning "leave behind," with the implication that during the annual festivals the Levites must not be left behind in the local covenant communities. Rather, they must be included in the festivals to receive their cultic dues, and possibly to function as back-up ritual specialists to relieve the priests, but more importantly to perform the annual human בכור substitution ritual,

[56] McConville, *Law and Theology*, 74. contrary to the traditional Impoverished Rural Levite Hypothesis.

and perhaps even to remind all the older firstborn in Israelite society of God's grace in providing a lifelong substitute.

D. The Contrast between Israelite and Foreign Worship in Deuteronomy 12

Another clue that Deuteronomy envisions the Levites as firstborn substitutes may be observed in the structure and content of Deuteronomy 12. We notice that Deuteronomy 12 is thematically focused on the juxtaposition between the licit features of the Israelite cult and the features of foreign cults. The foreign cults are described in Deut 12:2-4 and 12:29-31, framing the Israelite cult, which is described in Deut 12:5-28. Besides the common theme of worship, we also observe that Israelite and foreign worship are characterized by four pairs of binary opposites: location, offerings, cultic objects, and surrender of children to the cult. Whereas the location of Israelite worship should be "the place which the Lord your God chooses," (12:5, 13-14) the location of foreign worship was "on the high mountains, and on the hills, and under every flourishing tree" (12:2). Whereas the offerings of Israelite worship included "sacrifices, tithes, wave offerings, votives, freewill offerings, and firstfruits" (12:6, 11, 17-18, 26-27), the offerings of foreign worship are polemically paraphrased as "every detestable thing to the Lord which (he) hates" (12:31). Whereas the only cultic object described in Israelite worship is the altar (12:27), the cultic objects of foreign worship include altars, pillars, Asherim, and engraved images (12:3). These correlations are readily observable from the text, but the last correlation, the surrender of children to the cult, is more complicated.

Israelite worship alludes to surrender of children via its references to the Levites who must not be left behind in the towns (12:19) and who do not have a portion or an inheritance with Israel (12:12). I have already proposed that these two features of the Levites' stereotypical description in Deuteronomy may have denoted their firstborn substitutionary function. That is,

the Levite stands in place of the firstborn as the "child" who was surrendered to the cult. In foreign worship, the complement to the Levite is the child who is surrendered to the foreign cult, in this case by "burn[ing] their sons and daughters in the fire to their gods" (12:31). If read literally, this gruesome phrase easily functions as the complement to the Levite, since in both scenarios, whether for Israelite or foreign worship, a person was surrendered to the cult in the form of an offering, albeit in different rituals and for different ends.[57] However, an alternate reading of the phrase in Deut 12:31 has been suggested by Moshe Weinfeld.

Weinfeld analyzed the phrase in Deut 12:31 as one of several passages that refer to Molech worship, i.e., offering children to Molech by passing them through fire, a ritual which was "institutional" and "fixed," unlike other instances of child sacrifice in the HB.[58] He likewise distinguishes within this group of Molech passages between idolatry polemic texts, which tend to be more exaggerated in their language (e.g., "when you cause your sons to pass through the fire," Ezek 20:31),[59] and legal texts, which tend to parallel dedicatory language (e.g., "sanctify to me all the firstborn," Exod 13:1).[60] He writes, "A clear distinction has to be made between, on the one hand, laws and historical information which generally relate to actual conditions, and, on the other, moralizing literature whose tendentiousness and poetical fantasy tend to blur the authentic picture of the reality to which it refers."[61] Weinfeld compares these biblical texts to extrabiblical evidence, namely Assyrian documents which describe the dedication of children to idolatrous

[57] In Israelite worship the Levite functioned as a wave offering (Num 8:11).

[58] Weinfeld, "The Worship of Molech," 133–34.

[59] Cf. Lev 18:21; 20:2-4; Deut 12:31; 18:10; 2 Kings 16:4; 17:17; 21:6; 23:10; Jer 7:31; 19:5; 32:35; Ezek 16:20-21; 20:31; 23:37, 39; Isa 57:5; and Ps 106:37-38. Weinfeld, "The Worship of Molech," 140–41. It is interesting that Ezek 20:28-31, another passage which describes immolation, also uses the same four parallel features to characterize illicit worship: location (high hills, leafy trees, maybe the במה, cf. 20:28-29), offerings (sacrifices, offerings, soothing aromas, and libations, cf. 20:28), cultic objects (possibly the במה, cf. 20:29), and surrender of children to the cult (20:31). Both Ezek 20:28-31 and Deut 12:2-4 and 12:29-31 also end with a reference to child sacrifice/ dedication.

[60] Cf. Exod 13:12 and Num 8:16-17. Weinfeld, "The Worship of Molech," 141.

[61] Weinfeld, "The Worship of Molech," 141.

priesthoods using figurative expressions like "his son he will burn to Adadmilki."[62] He connects this particular ritual language to the worship of Assyrian deities Adad and Ištar, who he interprets as the "King" and "Queen of Heaven," and were re-vocalized in the HB as "Molech."[63] Finally, Weinfeld suggests that it was to this Assyrian cult which the kings of Judah (e.g., Manasseh) dedicated their sons to become part of the pool from which idolatrous priests were chosen (cf. Zeph 1:4).[64]

Weinfeld's interpretation has been rejected by Morton Smith on the basis of his preference for a literal reading of the HB texts, among other critiques.[65] Weinfeld later rejected Smith's review because he failed to adequately consider the extrabiblical evidence and the difference between traditional sacrificial language and the language used in the Molech dedications.[66] Despite Smith's misgivings, I find most of Weinfeld's assessment convincing.[67] His contextualization of the phenomenon in seventh century BCE Israel is especially convincing in light of Halpern's view of centralization in Deuteronomy as a political and military strategy against Assyria (see chapter one above). My main contention with Weinfeld's assessment is his distinction between the biblical expressions, "making to pass through fire," which he considers

[62] Weinfeld, "The Worship of Molech," 143–45. He also observes this figurative language in the Mishnah.
[63] Weinfeld, "The Worship of Molech," 148–49.
[64] Weinfeld, "The Worship of Molech," 151.
[65] Morton Smith, "A Note on Burning Babies," *JAOS* 95 (1975): 477–79; Vita Daphna Arbel et al., eds., *Not Sparing The Child: Human Sacrifice in The Ancient World And Beyond: Studies in Honor of Professor Paul G. Mosca* (New York: Bloomsbury, 2015); Karin Finsterbusch, Armin Lange, and Diethard Römheld, eds., *Human Sacrifice in Jewish and Christian Tradition*, Numen 112 (Leiden: Brill, 2007); Jon Levenson, *The Death and Resurrection of the Beloved Son: The Transformation of Child Sacrifice in Judaism and Christianity* (New Haven, CT: Yale University Press, 1993). Suee Yan Yu, "Tithes and Firstlings in Deuteronomy" (PhD Diss, Union Theological Seminary, 1997).
[66] Moshe Weinfeld, "Burning Babies in Ancient Israel," *UF* 10 (1978): 411–13.
[67] Although it is not necessary to elaborate on the topic of human sacrifice here, I even agree with Weinfeld's assessment of the firstborn sacrifices in the HB. He argues that the central point of these texts is "dedication or transference of the firstborn to the sacred authority" (Weinfeld, "Burning Babies," 154), including Exod 22:28, which he regards as only a reference to the dedication of firstborn humans and animals, not to human sacrifice. He concludes "the view which holds that children were burned to a deity named Molech rests on an extremely flimsy foundation" (Weinfeld, "Burning Babies," 154).

figurative, and "burning in fire," which he considers actual human sacrifice.[68] By contrast, Weinfeld regards Assyrian phrases like "his son he will burn to Adadmilki," as figurative for dedication to a deity.[69] I fail to see a distinction between the Hebrew phrase "burning in fire" and the Assyrian phrase "his son he will burn." If the Assyrian phrase is to be taken as figurative, then the Hebrew phrase should also be taken as figurative. Although the language of Deut 12:31 and many other idolatry polemic texts may be exaggerated to convey a theological message, it is no less figurative than the legal texts.

If we accept Weinfeld's analysis, then the analogy in Deut 12:31 is strengthened between the Levites and the "sons and daughters" who were dedicated for service in a foreign cult. As the complement to the surrender of children to a foreign cult, Deuteronomy presents the Levites similar to what we find in P, suggesting that Israel's Levi-exclusive cultic administration was preferable to a cult run by a random assemblage of people who had been dedicated to cultic service (cf. Num 16:1-40). However, this message is also "Deuteronomistic," as we see a similar polemic of foreign cultic administration in Jeroboam's random assemblage of non-Levitical priests (1 Kgs 12:28-33). Likewise, Deuteronomy's idiosyncratic polemic against foreign worship is maintained by the contrast between the two approaches to cultic administration, and may even be enhanced from a canonical perspective by grounding it etiologically in Numbers 16. However, even if we reject Weinfeld's interpretation, the theme of surrendering children to the cult, whether they are substituted by Levites in Israelite worship or are literally burned in foreign worship, remains the thematic link between these two complementary approaches to worship, and the polemic against foreign worship is still maintained. Either way, Deuteronomy 12 evinces a binary opposition between Israelite worship and foreign worship that is characterized by

[68] Weinfeld, "The Worship of Molech," 141–45.
[69] Weinfeld, "The Worship of Molech," 144.

location, offerings, cultic objects, and most importantly for our study, the surrender of children or Levitical firstborn substitutes to a cult.

To summarize, I have attempted to demonstrate several ways in which Deuteronomy implied the function of Levites as firstborn substitutes, without explicitly describing the human בכור offering or the ritual by which the Levites became substitutes. I began by suggesting that the laws relating to human firstborn in Deut 21:15-17 and 25:5-6 could only have reasonably existed at a stage in Israel's history when the firstborn son was alive and part of the family, rather than sacrificed or dedicated to serve in the cult, and thus that he had been implicitly redeemed via Levitical substitution. In the second section I asserted that the Levitical Entitlement Phrase in Deuteronomy references not only tithe-based Levitical dues, but alludes to the basis of those dues in God's claim on the Levites as firstborn substitutes according to the ancient Near Eastern concept of debt-slavery, and specifically the *tidennūtu* contracts of Nuzi, as observed by Ada Taggar-Cohen. Additionally, I refuted the Impoverished Rural Levite Hypothesis by suggesting that Deuteronomy's rural Levites could only receive the tithes as compensation for their ongoing service in the forms of socio-cultic משׁמרת or עבדה. In the third section I suggested that the verb עזב should be translated in Deut 12:19 and 14:27 as a locative expression meaning "leave behind." The implication is that during the annual festivals the Levites must not be left behind in the local covenant communities, but must be included in the festivals to receive their cultic dues, and perhaps to function as back-up cultic personnel to relieve the priests and/or to participate in the annual human בכור substitution ritual. In the present section, I suggested that the thematic juxtaposition between Israelite worship and foreign worship in Deuteronomy 12 suggests that the binary opposite of surrendering children to a foreign cult (or sacrificing them in fire) would have

been Levitical firstborn substitution. In the next section, I will transition from identifying Levitical firstborn substitution in Deuteronomy to suggesting how that foundational role was expanded in Deuteronomy to envision the rural Levites as socio-cultic intermediaries.

II. Levites as Socio-Cultic Intermediaries

The function of Levites as firstborn substitutes allowed them to perform a variety of derived roles in the Israelite cultic and social tiers. This is due to the nature of the substitution ritual (Num 8:5-14) and their resulting socio-cultic status afterward.[70] Prior to the substitution ritual, a Levite would have had no particularly noteworthy status or function in either the cult or society. Once a Levite was washed, shaved, and presented as a תנופה "presentation" offering with the accompanying sin and burnt offerings (all of which functioned in ritual terms as a rite of passage) he was able to assume a unique role in the cult and society. That role was as a socio-cultic intermediary. As a result, the Levite was in a permanent marginal state, neither belonging fully to the cult nor to society, which carried a higher degree of vulnerability, but also allowed him to move within the Israelite cultic and social tiers with greater freedom than any other individual.

A. Socio-cultic מִשְׁמֶרֶת and עבדה

The same permanent marginal state that allowed the Levite to operate at all tiers of the Israelite socio-cultic hierarchy also extended to his performance of מִשְׁמֶרֶת and עבדה. In the cultic tier עבדה was manifest as Levitical responsibility for erecting, dismantling, and

[70] That I have labeled Numbers 8 a substitution ritual does not undermine or contradict the notion that it is also an ordination ritual. Substitution was a prerequisite for Levitical ordination. In other words, the Levites could not be ordained to cultic service without ritually substituting for the firstborn of Israel as debt-slaves to YHWH.

transporting the tabernacle and/or its furniture.[71] Likewise, משמרת was manifest as Levitical responsibility for guarding the entire cultic tier by camping around the tabernacle (Num 1:47-54), and for occupying the courtyard of the tabernacle in order to guard the altar, sanctuary, and most holy place.[72] Besides guarding boundaries, Levitical משמרת and עבדה were manifest as Levitical responsibility for assisting the priests in various rites, except those directly involving the altar or other sanctuary furniture.[73] Whereas these rites are described vaguely in Numbers 18 (וישרתוך "they shall serve you," and ושמר משמרתך ומשמרת כל־האהל, "and they shall perform your guard duty and the guard duty of all the tent") the details of this משמרת are expanded in ChrH to include a vast array of cultic duties and rites.[74]

The spatial mobility of the Levites is alluded to in 2 Chron 29:15-19, where the priests are described with limited spatial mobility, i.e., only cleansing the sanctuary of the temple, but the Levites are described with spatial mobility that extended from the courtyard of the temple outward to one of the least clean spaces of the social tier, the Kidron Valley garbage dump. However, whereas 2 Chronicles 29 exemplifies the Levites' spatial mobility, several other ChrH texts demonstrate the Levites' vocational mobility outside of the cult, i.e., their performance of

[71] Numbers 1:47-54; 4:1-33; 7:4-9; 1 Sam 6:15; 2 Sam 15:24; 1 Kgs 8:4; 1 Chron 15:2, 11-15. Notice that the Levites are even involved in the analogical role of temple construction and maintenance (1 Chron 23:4; 2 Chron 34:11-12; Ezra 3:8-9; Neh 11:16).

[72] Numbers 31:30, 47. Likewise, the priests guard zones 1 and 2 and the furniture of those zones from Levitical encroachment (Num 3:10; 4:5-15).

[73] Numbers 18:2-4; 1 Chron 6:48; 23:28-32; 2 Chron 23:6. Though we see that this restriction became blurred (1 Chron 23:31; 29:34; 30:16-17).

[74] E.g., gate-keeping and overseeing the treasury (1 Chron 9:26; 23:5; 26:17, 20; 23:28; 2 Chron 15:14-15; 23:4, 19; 24:11; 31:12; 34:13; Ezra 8:30, 33; Neh 10:34-39; 12:25, 44; 13:13, 22), the use of grain (1 Chron 9:31; 23:29), music (1 Chron 9:33; 15:16; 23:5, 30; 2 Chron 7:6; 20:19; 2 Chron 29:25, 30; 30:21; Ezra 3:10; Neh 11:17, 22; 12:8, 24), scribal work (which overlapped with several other roles; 1 Chron 24:6; 2 Chron 34:13), purification rites (1 Chron 23:28; 2 Chron 29:15-19), and performing rites related to sacrificial animals, e.g., blood rites, slaughter, and butchering (2 Chron 29:34; 30:16-17; 35:11-15; Ezra 6:20).

social analogues to cultic משמרת and עבדה. The Levites functioned as שוטרים, "officers," which could have been analogous to their scribal role, and they functioned as counterparts to the שפטים at the central and local levels of society (1 Chron 23:4; 2 Chron 19:8-11). The Levites also functioned as the King's bodyguards (2 Chron 23:5), which was analogous to their משמרת of the cultic precincts and the priesthood. They were also responsible for the collection and distribution of tithes from and into rural areas (2 Chron 24:4-7; 31:11-19), which was analogous to their cultic gatekeeping and scribal משמרת and עבדה. The Levites also oversaw and performed repairs to the wall of Jerusalem (Neh 3:17), which was analogous to their עבדה of maintaining and constructing the tabernacle and temple. Finally, the Levites were responsible for disseminating spiritual information.[75] Although the role of the Levites as teachers is not necessarily attested in the cultic sphere, Torah instruction (and dissemination of other types of cultic information) should be considered a metaphorical type of משמרת, since obedience to Torah is referred to metaphorically as שמר תורה "keep[ing] the Torah."[76] Notice especially Deut 11:1, where the duty of משמרת is even applied to Israelites collectively. In other words, obeying and teaching Torah should be regarded as social-tier analogs to cultic-tier משמרת. This survey of the spatial

[75] E.g., teaching Torah (2 Chron 17:7-9; 35:3; Neh 8:7-9) and leading Israel to repentance and covenant renewal (Neh 9:1-5).

[76] In the Pentateuch, Israel's covenant faithfulness is dependent on their שמר of several interconnected terms, e.g., תורה/תרות (Exod 16:28), ברית (e.g., Exod 19:5; Deut 4:23; 4:40), מצות (e.g., Exod 20:6; Lev 22:31; 26:3; Deut 4:2; 5:10; 5:29; 6:2, 17, 25; 7:11; 8:1, 6, 11; 11:8, 22; 12:28), חקות ומשפטים (e.g., Lev 18:4, 5, 26; 19:19, 37; 20:8, 22; Deut 4:6, 40; 5:1; 6:2, 17; 7:11, 12; 8:11; 10:13; 11:1, 32; 12:1). In Deuteronomy, it seems that the list of things to שמר can be condensed down to תורה וחקים (cf. Deut 17:19 and 30:10).

and vocational mobility of the Levite has been restricted to texts outside of Deuteronomy. I will now proceed with an analysis of Levitical roles within Deuteronomy.

B. Levitical Roles in Deuteronomy

When we consider the roles of the Levites in Deuteronomy compared to their roles outside of Deuteronomy, we are faced with the problem of linguistic ambiguity. That is, unlike many of the Levitical texts outside of Deuteronomy (e.g., Numbers, Ezekiel, Chronicles, and Nehemiah), Deuteronomy describes activities (and especially cultic roles) in ways that can at best be described as vague and ambiguous.[77] I begin with a survey of the varied terminology which Deuteronomy employs to describe the Levites, followed by a re-analysis of Deut 18:1-8 and a critique of prior interpretations of that text in light of Deuteronomy's literary style.

There are many terms for Levites in Deuteronomy; some of which seem to be more general, and others which seem to be more specific; some which seem to overlap and others which seem to be distinct.[78] There is also some potential for my own terminology to become confusing. To clarify, I will continue to use "priests/priestly" to refer to those who perform primarily sacrificial tasks associated with the Aaronide priests, and "Levites/Levitical" to refer to the remaining members of the tribe of Levi who did not function as priests. Additionally, I will refer to certain roles as "priestly," and others as "non-priestly." By priestly roles, I mean the roles in CC and P of serving as priest (using the verbal form of כהן; cf. Exod 28:1, 3, 4, 41; 29:1, 44; 30:30; 35:19; 39:41; Num 3:3), evaluating offerings (Lev 27:8), performing one of several

[77] Cf. Arnold, "Israelite Worship," 169; Welch, *Religion of Israel*, 197–98; A. H. J. Gunneweg, *Leviten und Priester: Hauptlinien der Traditionsbildung und Geschichte des Israelitisch-Jüdischen Kultpersonals*, FRLANT (Göttingen: Vandenhoeck & Ruprecht, 1965), 72; Weinfeld, *Deuteronomic School*, 213; and McConville, *Law and Theology*, 154.

[78] In this survey of terminology, I will consider Levitical roles in Deuteronomy from a synchronic perspective, i.e., in light of Levitical roles elsewhere (especially P). I am fully aware of the historical critical tendency to place D's Levites in a diachronic progression (following Wellhausen), but prefer to approach D inductively and thereby initially suspend such presuppositions about the relationship between D and other texts.

forms of altar service,[79] performing one of several types of blood rituals,[80] utilization of the Urim (Num 27:21), identifying people and/or items as unclean (Lev 13:3, 50; 14:35-36), performing ritual tests for guilt (Num 5:16-30), aiding vow fulfillment (Num 6:13-21), blowing trumpets (Num 10:8), guarding the priesthood and/or sanctuary,[81] and overseeing the physical tabernacle/ cult site.[82]

Non-priestly roles, were by definition any type of cultic משׁמרת and/or עבדה that was not already identified as priestly. These roles include: functioning as substitutes for human firstborn (Num 3:11-13, 40-43, 44-51; 8:14-19), transporting and maintaining the tabernacle and its furnishings (Numbers 4, 7:4-9), preventing spatial encroachment in the cultic area (Num 1:47-54; 31:30, 47), preventing laypersons from ritually encroaching upon priestly roles (Num 3:5-10), and serving the priests by performing and/or assisting in any aspects of lesser cultic service not involving the altar or other tabernacle furniture (Num 3:6-9; 18:2-4; cf. 1 Chron 6:48; 23:28-32). The role of משׁמרת is summarized by 1 Chron 23:28-32 to include: the עבדה of the cult site that occurred in the courts, the storage chambers, purifying holy things, assisting with grain-

[79] This could include משׁמרת of the altar (Num 18:8), tending to the altar fire (Lev 1:7; 6:12), arranging animal parts on the altar (Lev 1:8, 12), washing animal entrails (Lev 1:9, 13), offering animals on the altar, grain, fat (Lev 1:9, 17; 2:2, 8, 16; 3:11, 16; 4:35), slaughtering birds (Lev 1:15), consuming a specifically delineated portion of the offering (Lev 5:13; 7:7, 8, 32, 34; Num 5:10; 18:8-20), handling altar ashes (Lev 6:10), slaughtering *some* animals (Lev 14:13), waving some offerings (Lev 23:11).

[80] E.g., putting blood on the altar horns (Lev 4:25), sprinkling blood on the altar (Lev 1:11; 3:2), draining bird blood on the side of the altar (Lev 1:15), transporting blood from the slaughter location to the altar (Lev 4:5), sprinkling blood on the sanctuary veil (Lev 4:6), putting blood on the incense altar in the sanctuary (Lev 4:7), pouring blood at the base of the altar (Lev 4:25), putting blood on people to cleanse them (Lev 14:14), sprinkling blood on the front of the tent of meeting (Num 19:4).

[81] Numbers 3:10, 32. משׁמרת of the priesthood and/or sanctuary is used similarly to שׁרת "minister/serve," and is applied to the overall responsibilities of the priests, including: everything concerning the altar, inside the veil, and any related עבדה (Num 18:7).

[82] Such responsibilities included overseeing Levites in their tabernacle duties (Num 3:32; esp. 4:16, 28, 33), covering sanctuary items prior to transport (Num 4:5-15), and performing some עבדה involving the tabernacle, though this may have been primarily accomplished by the Levites (Num 3:25-26, 31-32, 36-37; 4:17-20, 24-28, 31-33).

based offerings and items, mixed materials, regulation of weights and measures, thanksgiving and praise of YHWH, and assisting with the burnt offerings. In other words, "They must perform the guard duty of all the tent of meeting, and the guard duty of the sanctuary, and the guard duty of the sons of Aaron, their brothers, for the labor of the house of YHWH."[83] In short, any cultic activity that was not already defined as priestly was regarded as non-priestly משׁמרת and עבדה.

Milgrom has observed that Deuteronomy tends to be unfamiliar with – or imprecise in its application of – priestly terminology when describing its own perspective on the cult.[84] Milgrom focuses on the imprecision of זבח in Deuteronomy to refer to the process of שׁחט in P, but we can also observe imprecision in Deuteronomy's use of terms for Levites and its description of cultic roles. Whereas P distinguishes priestly and non-priestly cultic roles, assigning them respectively to priests and Levites, Deuteronomy tends to assign roles indiscriminately to both groups. Additionally, Deuteronomy's many phrases for Levites tend to be applied imprecisely.

Deuteronomy only once employs the verb כהן, "to be/serve as priest," to describe Eleazar's function as priest (Deut 10:6), though it is frequently used to summarize priestly responsibility outside of Deuteronomy.[85] The term שׁרת, which P and CC apply to priests (Exod 29:30; 35:19; 39:41; Num 4:9, 12), but also to Levites (Num 1:50; 3:6; 16:9; 18:2), Deuteronomy likewise applies broadly to the tribe of Levi, (Levitical) priests (17:12), priests (18:5), rural Levites and their brethren (18:7), and the priests, the sons of Levi (21:5). Deuteronomy is also familiar with the responsibility of transporting the Ark, though it applies this role to the entire "tribe of Levi" (10:7), and to "the priests, the sons of Levi" (31:9), whereas P applies this role

[83] 1 Chronicles 23:32.
[84] Milgrom, "Profane Slaughter," 12.
[85] E.g., Exod 28:1, 3, 4, 41; 29:1, 44; 30:30; 35:19; 39:41; Num 3:3.

specifically to the Kohathite Levites (not to the entire tribe or to the priests specifically; cf. Num 4:17-20). The role of עמד, is applied explicitly to the Levites elsewhere (Num 16:7; cf. 2 Chron 29:11), and is implicitly applied to the priests by phrases like "the priest shall bring her near and stand her before the Lord," when a priest is joined by people or animals who are described as standing.[86] Likewise, Deuteronomy applies the role of standing before the Lord broadly to the tribe of Levi (10:8), the (Levitical) priest (17:12), the priests (18:5), and the rural Levites and fellow Levites (18:7).

The role of blessing, which Deuteronomy applies to the tribe of Levi (10:8), and to "the priests, the sons of Levi" (21:5) is also applied to "Levitical priests" in 2 Chron 30:27. The role of altar service, which is exclusively applied to priests outside of Deuteronomy (e.g., Lev 1:9, 17; 3:11, 16), is abbreviated, but also exclusively applied to the priests in Deuteronomy (18:1, 3; 26:4). The role of identifying people and/or items as unclean, which is applied to priests in P (Lev 13:3, 50; 14:35-36), Deuteronomy applies to the "Levitical priests" (24:8). The consumption of offerings, which is open to priests and Levites in P (e.g., Lev 5:13; 7:7, 8, 32, 34; Num 5:10; 18:8-20), Deuteronomy applies to "the priests, the Levites, all the tribe of Levi" (18:1-8). In Deuteronomy, a central cultic role that is applied to the "priests," the "priests the sons of Levi," and the "Levitical priests," is oversight and implementation of law, which included: interpreting the law in legal cases while accompanied by a judge (17:8-12; 19:15-19; 21:5), overseeing the copying of the law (17:18), speaking/teaching/officiating the law before the people (27:9-10; 31:9-13; cf. 2 Chron 15:3; Neh 8:2, 13), and protecting the law (31:9). The first of these legal roles, interpreting the law in legal cases, is also evident outside of Deuteronomy in ritual tests for guilt (Num 5:16-30). Finally, Deuteronomy attests to priestly roles prior to combat

[86] Numbers 5:16. Having the woman stand before the Lord implies that the priest is also standing.

to encourage the warriors (20:2-4), to filter out ineligible warriors (20:5-8), and to assign commanders (20:9). The first of these Deuteronomy applies to the priests, and the latter two it applies to the שׁוטרים, which I will assert in chapter four may have been rural Levites. So, we see that at times Deuteronomy applies roles consistently with other HB texts, but it is also inconsistent and imprecise with the application of other roles. We will make similar observations about Deuteronomy's application of phrases for Levites.

The first phrase שׁבט הלוי, "the tribe of Levi" is used once to refer to those who performed priestly and non-priestly roles, i.e., standing before the Lord to serve him, and blessing in his name, and to those who performed non-priestly roles, i.e., carrying the Ark (Deut 10:8). The phrase also describes those who lacked landed inheritance because of their service, but had the Lord as their inheritance (10:9). Since these elements were characteristic of both priests and Levites (cf. Num 18:21-32), the application of the phrase שׁבט הלוי does not seem to distinguish clearly between the two groups. The phrase is also used once in the ambiguous compound phrase, לכהנים הלוים כל־שׁבט לוי (Deut 18:1), which will be discussed below. Overall, the phrase שׁבט הלוי seems to refer to either priests or Levites, which we might expect since both groups belong to the same שׁבט.

The second term לוי, "Levi," once refers to the actual tribe and their placement on Mt. Gerizim to bless the people, which seems to be a priestly role (Deut 27:12; cf. 2 Chron 30:27). It is also used in Deut 33:8-11 to refer to figures with a variety of roles and characteristics. Levi was collectively known to have been a "godly man" who possessed the priestly Thummim and Urim (33:8), and whose sons were known to observe YHWH's word and to keep his covenant

(33:9).[87] Levi was also described as the group who would teach law to Israel, offer incense and whole burnt offerings in the sanctuary and altar space (33:10), and who would face priestly rivalry (33:11). In Deuteronomy, the responsibility of teaching the law was typically also given to the group identified as הכהנים הלוים, "the Levitical priests," suggesting it was primarily a priestly function.[88] Likewise, offering incense and performing altar service were exclusively priestly roles. Overall, the term לוי in Deuteronomy seems to refer to those who performed primarily priestly roles.

The third phrase, הכהנים הלוים, "the Levitical priests," refers to a group who performed priestly roles.[89] They were responsible for rendering verdicts as the priestly complements to judges at the central sanctuary (17:9). They also functioned as teachers of Deuteronomic law by witnessing the king as he copied the law onto a scroll (17:18), and by speaking with Moses (as his intermediaries) to all Israel (Deut 27:9; cf. Neh 8). Finally, they performed the standard priestly role of diagnosing skin diseases (Deut 24:8; cf. Lev 13). Overall, the phrase הכהנים הלוים is used for a group who performed priestly roles.[90] The fourth term, לכהנים הלוים כל־שבט לוי, "(to) the Levitical priests, all the tribe of Levi," is a combination of the first and third phrases that is used exclusively in Deut 18:1-8. Notably, this group lacked a portion or inheritance, as

[87] The godly man is also referred to as the one whom YHWH "proved at Massah" and contended with at the waters of Meribah (cf. Exod 17:1-7; Num 20:8-13).

[88] Teaching the law was not an exclusively priestly role. Ezra the priest taught the law to Levites in the first stage of transmission (Neh 8:7, 9, 13), and the Levites taught it to the people at a second stage of transmission.

[89] This term is literally "the priests, the Levites," with both nouns functioning in apposition. The traditional adjectival rendering of the phrase is due to scholarly confusion about how else the phrase could be rendered, and is no doubt influenced by interpretations of a similar phrase in Deut 18:1-8.

[90] The term, כהן / כהנים, "priest/priests" occasionally appears without the Levitical appositive: Deut 17:12; 18:3; 19:17; 20:2; 26:3, 4. In all of these occurrences is it clear that כהן / כהנים is synonymous with הכהנים הלוים. Contra Aelred Cody, *History*, 129, who asserts that כהן was part of an older literary stratum and does not mean "Levitical Priest."

was characteristic of the priests and Levites in P, but received the fire offerings (אִשֶּׁה) and YHWH's portion as their portion/inheritance (18:1-2). Since this group has received the majority of scholarly attention, it will be treated more comprehensively below.

The fifth phrase, הכהנים בני לוי, "the priests, the sons of Levi," seems to refer to those who performed both priestly and non-priestly roles. This group served (שׁרת) YHWH, blessed in his name (cf. שׁבט הלוי in 10:8), helped local elders and judges resolve cases of dispute and assault (e.g., the unknown homicide in 21:5), and carried the Ark (31:9), roles which could be considered priestly and/or non-priestly. This group also joined the elders of Israel in receiving the law from Moses after he finished writing it, which likely relates to the priestly role of Torah instruction (31:9). Overall, the phrase, הכהנים בני לוי, refers indiscriminately to either priestly or non-priestly roles.

The sixth phrase, הלוי אשׁר בשׁעריכם / בשׁעריך / מאחד שׁעריך, "the Levite who is in [one of] your gates,"[91] is the first that seems to refer to an exclusively non-priestly group. This may be because they were located "in your gates" all throughout Israel, rather than at the central sanctuary. Daniel Frese has studied extensively the meaning of "in your gates," and has determined that the term שׁער has an "idiosyncratic" meaning in Deuteronomy compared to its use elsewhere in the HB.[92] Whereas שׁער typically refers to the physical gatehouse or a public gate complex / civic forum, in Deuteronomy it refers to entire Israelite towns that functioned as

[91] There are three variations of the basic phrase: "the Levite who is in your (pl.) gates," "the Levite who is in your (sg.) gates," and "the Levite who is from one of your (sg.) gates." However, each seems to refer to the same group, i.e., the rural Levite.

[92] Daniel Frese, "Land of Gates," 34. See also Frese, "Civic Forum."

covenantal communities.[93] Frese adds, "They are *covenantal* towns within Canaan, granted to Israel by Yahweh, and living in them was a privilege predicated on good covenantal behavior."[94] In short, along with the other gifts that are regarded as Israel's inheritance from God (e.g., land, cities, property, and annual agricultural and pastoral produce), even the towns within Israel were regarded as an inheritance, as long as the inhabitants upheld the covenant. Thus, the phrase "the Levite who is in your gates" simply refers to rural Levites who functioned in the covenant communities, rather than primarily at the central sanctuary.

As observed above, the rural Levite must not be left behind (עזב), but must be included with families at cultic festivals (12:12, 18; 14:27), i.e., the Feast of Weeks (16:11) and the Feast of Booths (16:14). He was also included with the גר, orphan, and widow as a recipient of the local triennial tithe.[95] However, whereas the list of גר, orphan, and widow is used throughout Deuteronomy to elicit proper treatment of this group in justice,[96] sustenance,[97] and sometimes cultic attendance,[98] the rural Levite was only added to this list for cultic events.[99] Like the priests and Levites in P, the rural Levite also lacked a portion and inheritance in Israel.[100] Although the rural Levite presumably spent most of his time in the covenant communities and away from the

[93] Frese, "Land of Gates," 35–38. He reaches this conclusion following a thorough survey (pp. 39-46) and elimination of the possible meanings of שׁער, including: literal gates, towns other than Jerusalem, tribal associations, a city (עיר) viewed from the inside rather than the outside.

[94] Frese, "Land of Gates," 47. Original emphasis.

[95] Deuteronomy 14:28-29; 26:12-13.

[96] Deuteronomy 10:18; 24:17; 27:19.

[97] Deuteronomy 14:29; 24:19-21; 26:13.

[98] Deuteronomy 14:28-29; 23:2-8.

[99] Deuteronomy 16:11, 14. This lends further credence to my assertion that the command not to עזב the rural Levite was related to his essential presence at the central sanctuary during busy festivals. By contrast, note that the גר is excluded from cultic events, except the triennial tithe in Deut 14:28-29, and except for certain גרים who are permitted based on ethnicity (Deut 23:7-8). The exclusion of the גר from other cultic events (e.g., Deuteronomy 16) is likely due to the complicated nature of ethnicity-based admission to cultic events, as related by Deut 23:1-8.

[100] Deuteronomy 12:12; 14:27, 29; cf. Num 18:21-26.

central sanctuary, he was welcome to come and serve alongside the Levites and/or Levitical priests who already resided and served there (18:6-7). Whether the rural Levite performed priestly or non-priestly service at the central sanctuary is debated (see below), but it is noteworthy that the term שׁרת, "to serve," refers indiscriminately to priestly and non-priestly tasks outside of Deuteronomy (e.g., Num 3:6). So, its usage in Deut 18:7 is ambiguous.[101] Overall, the phrase, הלוי אשׁר בשׁעריכם / בשׁעריך / מאחד שׁעריך, refers uniquely in Deuteronomy to a group who performed non-priestly roles.

The final phrase, הלוי / הלוים, "the Levite(s)," refers primarily to those who performed non-priestly roles. As with the rural Levite, הלוי must not be left behind (עזב) during festivals at the central sanctuary (Deut 12:18-19). In particular, the Levite must be included with the family and the גר at the offering of firstfruits (26:11).[102] The Levites also spoke curses to the people of Israel, in contrast with the tribe of Levi who spoke blessings to Israel from Gerizim (27:14).[103] The phrase, הלוי / הלוים, is also used once to refer to those who carried the ark (Deut 31:25). Overall, the phrase, הלוי / הלוים, refers to those who performed non-priestly roles.

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[101] Cf. McConville, *Law and Theology*, 139.

[102] This occurrence of הלוי should probably be considered another variant of the sixth phrase הלוי אשׁר בשׁעריכם above. הלוי in Deut 26:11 actually functions with הגר as the compound subject of a null copula relative clause, והלוי והגר אשׁר בקרבך, "(and) the Levite and the resident alien who are in your midst." This relative clause likewise functions with אתה as the compound subject of ושׂמחת, "you shall rejoice." In short, the phrase "in your midst," is synonymous here with בשׁעריך, "in your gates." Note also the parallel usage of these phrases in Deut 16:11, והלוי אשׁר בשׁעריך והגר והיתום והאלמנה אשׁר בקרבך, "(and) the Levite who is in your gates, (and) the resident alien, (and) the orphan, and the widow who are in your midst." Cf. Deut 17:2; 22:24; and 23:17 (which is discussed in Frese, "Land of Gates," 40. הלוי also seems to be distinct from the anarthrous form לוי (term 2), which I suggested above refers to those who performed priestly roles outside of Deuteronomy.

[103] Cf. Michael Broyde and Steven Weiner, "A Mathematical Analysis of the Division of the Tribes and the Role of the Levites on Grizim and Aval in Deuteronomy 27," *Tradition* 27 (1992): 51.

We *can* read Deuteronomy diachronically as a later text which has a disputed relationship with P and Levites who could function in priestly and non-priestly roles. However, I have proposed that Deuteronomy understands the Levites as firstborn substitutes via the allusion to Num 18:24 and 3:11-13. So, there is at least some indication that D could have been depenedent upon P's conception of Levites. Regardless, the preceding survey has shown that Deuteronomy alone uses seven different phrases to refer to those who performed either priestly or non-priestly roles, and some phrases refer indiscriminately to both. At the terminological level, we can therefore observe in Deuteronomy a semblance of distinction between priestly and Levitical groups descended from the tribe of Levi.[104]

The phrases, לוי and הכהנים הלוים, are used for a group who performed priestly roles, the phrases מאחד שׁעריך / בשׁעריכם הלוי אשׁר בשׁעריך and הלוי are used for a group who performed non-priestly roles, and the phrases, שׁבט הלוי and הכהנים בני לוי are used indiscriminately to refer to performers of priestly and non-priestly roles (arguably, the phrase לכהנים הלוים כל־שׁבט לוי also belongs to this data set). This survey has also shown a tendency in Deuteronomy to combine some of the smaller phrases into compound phrases, i.e., הכהנים הלוים, לכהנים הלוים כל־שׁבט לוי, and הכהנים בני לוי. With these observations in mind, I proceed with my own response to the traditional interpretations of Deut 18:1-8, and especially the phrase, לכהנים הלוים כל־שׁבט לוי. In the interest of providing a fresh perspective, I bring to bear a few more observations which are relevant to the analysis of Deut 18:1-8.

[104] Cf. McConville, *Law and Theology*, 137–38.

C. Returning to Deuteronomy 18:1-8

Grammatical analysis of the phrase לכהנים הלוים כל־שבט לוי, suggests that it contains three noun phrases in apposition: לכהנים, הלוים, and כל־שבט לוי. The first two phrases are recognizable from the above survey in which הלוים is often taken as an adjectival modifier of כהנים, and used in Deuteronomy to refer to those who performed priestly roles. Although the phrase שבט לוי is familiar from the above survey, its application is less certain. It can refer to a group that performed priestly and non-priestly roles. The usage of this phrase in Deut 18:1 is also slightly different because it includes כל. From a terminological perspective, whereas we may read לכהנים הלוים as referring to priests in particular, כל־שבט לוי could refer to priests and/or Levites. From a grammatical perspective, if we read all three phrases in apposition, then this relationship between the noun phrases nuances כל־שבט לוי as a reference to priests in particular.[105] However, grammatical analysis is obfuscated by the semantic content of Deut 18:3-8.

In Deut 18:3-5 and 6-8 we observe a contrast between the roles and inheritance of the כהנים (18:3-5) on the one hand, and the roles and inheritance of הלוי מאחד שׁעריך on the other (18:6-8), which is why, despite the syntax of 18:1, the debate continues over how the appositional phrases relate semantically and pragmatically to the groups described in 18:3-8. This is especially the case since הלוי מאחד שׁעריך otherwise refers exclusively to the non-priestly

[105] Inversely, one could argue that כל־שבט לוי is deliberately ambiguous in Deuteronomy so that it evades a nuanced interpretation.

rural Levites, making the assignment of priestly roles to them in 18:1 the only exception to their typically rural roles and locations. In light of this discontinuity between 18:1 and 18:6-8, it is preferable to pursue one of two alternative explanations. First, 18:1 could be a different redactional layer from 18:6-8, which was perhaps added later to incorporate the rural Levites. Second, the theme of 18:1-8, i.e., the inheritance of the tribe of Levi, is determinative to the interpretation of 18:1. I favor the latter interpretation.

Just as Deuteronomy is concerned with the landed inheritance of Israel, i.e., the covenant communities (cf. Deut 17:2-5), so Deut 18:1-8 is concerned with the inheritance of the tribe of Levi, i.e., the tithes and offerings.[106] This is especially necessary for the rural Levites, who despite their roles in the שׁערים did not actually share an inheritance in those locations. In short, כל־שׁבט לוי, in Deut 18:1 and its similar phrase שׁבט לוי in Deut 10:8-9 are sufficiently general to encapsulate the priestly and Levitical groups in both locations. Due to the parallel application of שׁבט לוי to performers of priestly and non-priestly roles (especially in relation to the discussion of priestly and Levitical inheritance in Num 18:21-32), and due to the theme of Levitical inheritance in Deut 18:1-8 rather than cultic functions, it is reasonable to conclude that Deut 18:1 is introducing a discussion about two distinct groups of cultic personnel: the priests and the rural Levites. Two additional observations are necessary.

First, we must consider the actual roles of the priests and Levites as they are described in Deut 18:3-8. Central to the Wellhausian position is the phrase, ושׁרת בשׁם יהוה אלהיו ככל־אחיו הלוים העמדים שׁם לפני יהוה, "He shall serve in the name of the Lord his God like all his brothers,

[106] Cf. the identification of the שׁערים as covenant communities above in Frese, "Land of Gates," also McConville, *Law and Theology*, 142–43.

the Levites who stand there before the Lord."[107] Especially important are the interpretations of the verb, שׁרת and the phrase, ככל־אחיו הלוים העמדים שׁם לפני יהוה. Although the priests are often described לפני יהוה, the Levites are too. Additionally, the emphasis may be less on the standing, than on שׁם, "there."[108] Whereas the rural Levites could be described as those who reside and stand elsewhere (i.e., in the gates), the Levites who reside near the central sanctuary stand שׁם. In other words, rather than using אחיו to refer to the priests of the central sanctuary, it is possible that אחיו refers to other resident *city* Levites who served at the central sanctuary, like the *rural* Levites, their brothers.[109] Likewise, the term שׁרת, applies generally to priestly and non-priestly service.[110] As mentioned above, the phenomenon of extra Levites coming to serve at the central sanctuary is familiar from 2 Chronicles, where the Levites stood-in for unconsecrated priests during Hezekiah's consecration of the temple (2 Chron 29:34), his Feast of Unleavened Bread and Passover (2 Chron 30:16-17), Josiah's Passover (2 Chron 35:11-15), and at post-exilic

[107] Deuteronomy 18:7.

[108] Likewise, לפני יהוה is synonymous with the phrase לפני אהל העדת, "before the tent of meeting," if the former phrase is taken as a general reference to the sacred space of YHWH.

[109] Broyde and Weiner, "Mathematical Analysis," 51, observe a similar tripartite arrangement of priests and Levites in Deuteronomy 27, i.e., resident priests, resident sanctuary Levites, and rural Levites.

[110] Cf. McConville, *Law and Theology*, 139. שׁרת refers to the non-Priestly Levites in: Num 3:6; 8:26; 18:2; Ezek 44:11; 1 Chron 16:37; 2 Chron 8:14; 23:6; only refers to Priests in: Exod 28:35, 43; 29:30; 30:20; 35:19; 39:1, 26, 41; Num 3:31; 4:9, 12, 14; Deut 10:8; 17:12; 18:5; 21:5; 1 Sam 2:11, 18; 3:1; 1 Kgs 8:11; Isa 61:6; Ezek 40:46; 42:14; 43:19; 44:15, 16, 17, 19, 27; 45:4, 5; 46:24; Joel 1:9, 13; 2:17; Neh 10:37, 40; 1 Chron 23:13; 2 Chron 5:14; 13:10; it refers to other types of service in: Exod 24:13; 33:11; Num 11:28; Josh 1:1; 2 Sam 13:17, 18; 1 Kgs 1:4, 15; 10:5; 19:21; 2 Kgs 4:43; 6:15; Isa 56:6; 60:7, 10; Jer 33:21; Ezek 20:32; 44:12; Ps 101:6; 103:21; 104:4; Prov 29:12; Esth 1:10; 2:2; 6:3; 1 Chron 27:1; 28:1; 2 Chron 9:4; 17:19; 22:8; it refers to the service of both Priests and Levites in: 1 Chron 6:17; 15:2; 16:4; 26:12; 2 Chron 29:11; 31:2; but is ambiguous (applying either to Priests or Levites) in: Num 1:50; 16:9; Deut 18:7; 2 Kgs 25:14; Jer 33:22; 52:18; Ezra 8:17.

Passover (Ezra 6:20).[111] However, there are also differences between these accounts and Deut 18:1-8.

Whereas the accounts in 2 Chronicles and Ezra describe Levitical responses to priestly incompetence in the past, Deuteronomy 18 seems prescriptive. Neither Deuteronomy nor 2 Chronicles suggests that the Levites were typically responsible for the roles they performed during the three isolated festivals of Hezekiah and Josiah. To the contrary, 2 Chronicles chides the priests for their failure to be consecrated prior to the festival, a condition which forces the Levites into some otherwise priestly roles. It could be argued that the שׂרת of the rural Levites in Deuteronomy 18 encompassed the roles described above in Chronicles, since these events were recorded as happening during the reigns of Hezekiah and Josiah, the time to which authorship of the bulk of Deuteronomy is often attributed. Yet, even in these events the Levites are attributed with doing everything *except* altar service. Deuteronomy may likely envision rural Levites serving at the central sanctuary with a hint of priestly responsibility, but it is difficult to argue that they served as full priests.

Finally, we must return to the problem of Deuteronomy's linguistic ambiguity. Unlike many of the Levitical texts outside of Deuteronomy (e.g., Numbers, Ezekiel, and Chronicles), Deut 18:1-8 describes cultic roles in ways that can at best be described as vague and ambiguous.[112] A few examples should suffice. Rather than describing a variety of different offerings which might be made at the central sanctuary or the details for how they should be set aside, offered, and/or cooked, Deuteronomy describes only the אשׁי, "fire offerings," the זבח,

[111] I will suggest below that the reminders not to עזב the Levite are intended for this specific purpose (Deut 12:19; 14:27); i.e., to bring them to the central sanctuary where they are desperately needed to serve during festivals when the resident staff of Priests and Levites is inadequate.

[112] Cf. Arnold, "Israelite Worship," 169; Welch, *Religion of Israel*, 197–98; Gunneweg, *Leviten Und Priester*, 72; Weinfeld, *Deuteronomic School*, 213.

"sacrifice," and the ראשׁית, "firstfruits."[113] Rather than describing in detail what the priests and Levites did at the sanctuary, their labor is simply described as, לעמד לשׁרת בשׁם־יהוה, "to stand in order to serve in the name of the Lord," or simply, ושׁרת, "(and) he shall serve." Since the theme of Deut 18:1-8 is inheritance, we cannot be surprised that Deuteronomy neglects to elaborate on ritual details. Ritual details, including the status of the cultic personnel, are not the focus of Deut 18:1-8.

It may be possible to aver how the Levites functioned in Deuteronomy (i.e., as full priests or non-priestly Levitical personnel), but Deut 18:1-8 and the book as a whole lack sufficient detail to make any confident assertions about the relative status of priests and Levites at the central sanctuary. Much less can one confidently suggest that Deuteronomy evinces a distinct stage of development in the Israelite cult. Deuteronomy simply does not provide enough information to substantiate such an argument. Even if Deuteronomy 18 refers to a time when any descendant of Levi could perform priestly or non-priestly roles indiscriminately, the phenomenon of cultic centralization and the socio-cultic structure of Israel would have restricted the roles that the rural Levite performed in the gates to non- or semi-cultic analogues of cultic משׁמרת or עבדה. That is, from the perspective of the delineation between priests and Levites in P, the roles which the rural Levites performed in the שׁערים would be considered Levitical, as opposed to priestly; and these are the roles that I am most concerned with in the present study. Regardless of how we might read the linguistic ambiguity of Deut 18:1-8, Deuteronomy clearly distinguishes between Levitical roles performed at the sanctuary and those performed at the

[113] Compare the dearth of details in Deut 18:3-5 to the more fulsome description in Num 18:8-20.

gates. And using a socio-anthropological approach to the text, we can observe that the roles performed in either location were analogues of each other.

D. Synthesis and Summary

I acknowledge that Deuteronomy does not explicitly identify the Levites in the derived roles that will be considered in the chapters below. Besides resorting to the socio-anthropological method outlined in chapter two, when attempting to determine the roles of the Levites in Deuteronomy in the following chapters it will be necessary to draw from other Levitical texts in the HB, following the model provided in the first half of this chapter. Although Deuteronomy provides hints to the role of Levites as firstborn substitutes, my analysis depended on evidence that is external to Deuteronomy and that informs its assumptions about the Levites. The same approach will be taken for the other Levitical roles that I will attempt to substantiate in Deuteronomy. Returning to the socio-anthropological method, it is worth mentioning that I have already proposed in chapter two that the elders of the city (זקני עיר), the judges (שֹפטים), and the officers (שֹוטרים) could be ruled out as potential ritual specialists. This does not mean that the Levites were ritual specialists by default, however, the compilation of evidence favors their function as ritual specialists in Deuteronomy.

The key to this interpretation is Deut 18:1-8, which despite being problematic for reconstructing the cultic hierarchy, tells us something unique about the Levites in contrast with other members of Israelite cult and society. Namely, just as Israelite society and ritual were structured by hierarchically arranged tiers that contained greater or lesser permutations of analogous space, objects, actions, and roles, so too was the Levite highlighted (unlike other members of the society) as one who seems to have occupied analogous roles in both the sacred and the local tiers; as Deut 18:6-8 illustrates:

> And if the Levite from one of your gates comes throughout all Israel where he is dwelling, and he comes with any desire of his heart to the place which the Lord will choose, then he shall serve in the name of the Lord his God like all his brothers, the Levites, before the Lord there. An equal portion they will eat except from the sale of their fathers' [property].

It was not just any Levite who could come and serve as a ritual specialist, but the Levite "from one of your gates," i.e., the rural Levite. It has been shown in chapter two that central rituals had secular analogues (e.g., secular slaughter in Deut 12:15-17). Since central rituals and secular analogues would both require oversight and/or performance from a ritual specialist, and since the rural Levite was not only invited to serve at the sanctuary whenever he desired but also may have been required (or strongly encouraged) to attend at specific times of the year as a back-up ritual specialist,[114] there is no other person in Deuteronomy who had as much practical and observational experience of cultic rituals as the rural Levite. The lay Israelite certainly might have understood various aspects of the cultic process and may have been able to stumble his way through a secular analogue to sacred ritual, but this could be risky. It would be far better to utilize someone who had experience with more complicated central cultic rituals and who would have been more apt to perform local social and domestic rituals and procedures efficaciously.

When we analyze the rural Levites in light of the ritual components outlined in chapter two we find that: 1) their lack of inheritance was likely based on their rite of passage into ritual specialization and their ongoing fulfillment of that vocation (Deut 10:8-9); 2) they were involved in the performance of rituals at the central sanctuary (Deut 18:6-8), which had less complicated

[114] E.g., Deut 12:19; 14:27; 16:11; cf. 2 Chron 29-30, where the Levites perform priestly roles during the consecration of the Temple and during Passover, when too few priests were available to accomplish the task. See the discussion in chapter 1.

local analogues (e.g., triennial sacrifice and local slaughter) that necessitated second- or third-tier ritual specialists; 3) their involvement in cultic, social, or domestic rituals at the central and local levels would have been consistent with their status, so that whereas they may have functioned as second-tier specialists under the central Priests (based on P), they were also the primary specialists at the local level;[115] and 4) by virtue of their involvement at the central level, not to mention their role as mediators of teachings outside of Deuteronomy (e.g., 2 Chron 17:7-9; 35:3; Neh 8:7-9), they were a natural means by which priestly theology and political ideology could be taught and upheld at the local level. Besides the rural Levite there were only two or three other local specialists identified in Deuteronomy who might have functioned in any capacity as a ritual specialist, i.e., the elders of the city (זקני עיר) and the judges (שֹׁפטים). Based on the above discussion of elders and judges in chapter two, it is possible to draw some conclusions about who the local ritual specialists might or might not have been.

City elders, because of their function as social mediators, would have been involved in certain rituals, but only as social representatives of the city, not as ritual specialists. Local judges specialized in legal cases of dispute and probably served alongside ritual specialists at times, just as they did at the central level, but they were legal specialists. That leaves the שֹׁוטרים and the rural Levites. Because the information about the function of שֹׁוטרים is minimal, especially at a local level, their function as local ritual specialists remains dubious unless they can also be identified as rural Levites, which will be considered in detail in the next chapter (section two). When we consider the evidence for components of ritual specialization, the most likely local ritual specialist was the rural Levite. In contrast with the elders and judges, the rural Levites were

[115] Otherwise they functioned as central priests and were simply overqualified locally.

connected to a rite of passage that validated their ritual specialization and they had opportunities to participate in centralized cultic ritual and thereby learn priestly theology and cultic analogues of local social and domestic ritual, which they were able to teach to local lay Israelites. These observations, combined with the possibility that Levites served as local cultic officials prior to the centralization agenda of Deuteronomy suggest that the rural Levite, rather than being a permanently disenfranchised and impoverished member of Israelite society, was the most likely member of society to administer local social and domestic rituals, and whose local socio-economic status was probably high (albeit vulnerable), comparable to the local judges and elders.

To summarize, when we synthesize the evidence from the entire HB, we observe that the Levites were truly unique in their ability to function at and across all levels of the socio-cultic spectrum. They were unlike the priests, who in the cultic precincts would have been cloistered in the area of the altar, sanctuary, and/or most holy place, and who in the social tiers would have been isolated from the majority of the population by various purity rites.[116] Levites were also unlike the lay Israelites, who lived and worked in the social tier, but were only able to access the courtyard of the cultic precincts. Levites were even unlike the immigrants, who lived and worked in the social tier, but whose access to the cultic tier was restricted temporarily or permanently (Deut 23:2-9). Instead, the Levites could perform their עבדה and משׁמרת in the courtyard and sometimes even the altar of the cultic sphere, and they performed analogous social versions of cultic עבדה and משׁמרת for the lay Israelites and immigrants in the social sphere. The spatial and vocational mobility of the rural Levites in Deuteronomy was motivated by two factors.

[116] E.g., Lev 21:1-22:9; cf. 2 Chron 29:34.

The function of Levites as firstborn substitutes granted them the roles of משׁמרת and עבדה, which were expanded from the cultic sphere in P to include analogous roles in the cultic and social spheres in Deuteronomy and Chronicles. Additionally, Deuteronomy's frequent, theologically motivated, metaphorical interpretation of משׁמרת as Torah obedience helped to extend the influence of the sacred into the social sphere. In short, the rural Levites in Deuteronomy functioned in a variety of nuanced intermediary roles across the Israelite socio-cultic spectrum. As noted in chapter one, this sort of function was not unique in the ancient Near East. The hierarchical stratification of cultic personnel was germane to ancient Near Eastern cults. An example is the Hittite cult, which Milgrom has suggested had cultic guards inside and outside of the temples, paralleling the division of priests and Levites in the role of משׁמרת.[117]

Additionally, the concept of cultic personnel operating across the socio-cultic spectrum is evident in Ancient Egypt's priesthood. In the next two chapters I will explore how the rural Levites in Deuteronomy may have functioned as socio-cultic intermediaries who oversaw the triennial tithe, witnessed local oaths, exchanged tithes for silver, and oversaw and/or performed local slaughter as extensions of their משׁמרת and עבדה.

[117] William W. Hallo and K. Lawson Younger, eds., *COS*, vol. 1 (Leiden ; New York: Brill, 1997), 1.83 (CTH 264); Milgrom, "Shared Custody," 205. However, Taggar-Cohen, "Covenant Priesthood," 22–23, disagrees with Milgrom and suggests that the Hittite priesthood only had one group of temple guards. However, she observes a distinction between the priests and non-priests based on the ritual service they performed.

Chapter 4: Rural Levites as Local Scribal Administrators

In the previous chapter, I asserted that the function of Levites as firstborn substitutes granted them the roles of משׁמרת and עבדה, which were expanded from the cultic sphere to include analogous roles in the social spheres in Deuteronomy and ChrH. Additionally, Deuteronomy's frequent, theologically motivated, metaphorical interpretation of משׁמרת as Torah obedience helped to extend the influence of the sacred into the social sphere. This allowed the rural Levites in Deuteronomy to function in a variety of nuanced intermediary roles across the Israelite socio-cultic spectrum. The locations where the rural Levites performed their extended משׁמרת were the שׁערים. I mentioned previously that Daniel Frese has shown how the use of שׁערים in Deuteronomy refers not to the physical location of city or village gates, but generally to covenant communities within the geo-political territory of ancient Israel.[1] Additionally, the שׁערים were included in Israel's inheritance from God, dependent upon their covenant obedience.[2] This notion of an average town functioning as a covenant community reflects Israel's cosmic geography. Although Deuteronomy never explicitly identifies the land as holy, the association of towns with the covenant, and the tenuous possession which Israel had of the towns based on their own covenant obedience, i.e., holiness (cf. Deut 14:2, 21), suggests that Deuteronomy certainly conceived of the land as holy, albeit of a lesser holiness than the central sanctuary. In effect, the camp-based holiness of the wilderness period is extended in Deuteronomy to include all the land of Israel. Against the notion that the rural Levites performed

[1] Frese, "Land of Gates," 34–38.
[2] Frese, "Land of Gates," 47.

their מִשְׁמֶרֶת in the שְׁעָרִים, stands the Impoverished Rural Levite Hypothesis, which holds that Deuteronomy presented the rural Levites as impoverished based on their association and inclusion with the *personae miserae* in the שְׁעָרִים. Before proceeding to a discussion of the local Levites' scribal מִשְׁמֶרֶת, it is necessary to refute this aspect of the Hypothesis, especially its assumptions about the relationship between the Levites and the שְׁעָרִים.

First, because שַׁעַר does not just refer to the gate house complex, but to the entire covenant community, the grouping of the Levite, גֵּר, orphan, and widow in the שַׁעַר does not identify where they could be located in a given town (i.e., in the gates as opposed to other locations). Rather the location of this group is more general, describing who the economically vulnerable groups might be in any given Israelite town.[3] Although poverty has traditionally been considered the primary point of correlation between these groups, I argue that it is instead vulnerability. "Vulnerability" refers here to the possibility that a group within society could be adversely affected by social or economic volatility. Consider the difference between priests and widows.[4] Both were vulnerable because their survival could not necessarily be maintained by their own efforts. The priest could not raise crops or livestock for sustenance like the lay Israelite (Deut 18:1-5), and the widow could not rely on her own household economy to provide for her.[5]

[3] Altmann, *Festive Meals*, 236–37, observes that the Levites were liminal figures in society, and that their inclusion in the list with the widow, orphan, and alien is due to their common social status, rather than their economic status. Donald E. Gowan, "Wealth and Poverty in the Old Testament: The Case of the Widow, the Orphan, and the Sojourner," *Int* 41 (1987): 343–44. adds "[t]he worst problem, that which these groups have in common, is powerlessness and its consequences: lack of status, lack of respect, making one an easy mark for the powerful and unscrupulous, so that those who are not poor are likely to become poor and those who are poor are going to get poorer."

[4] I refer here to altar-priests, as opposed to the non-priestly Levites. See terminological distinction in chapter three.

[5] Philip J. King and Lawrence E. Stager, *Life in Biblical Israel*, Library of Ancient Israel (Louisville, KY: Westminster John Knox, 2001), 53.

Yet, their vulnerability was based on different types of volatility resulting from different socio-economic factors. The priest, although a member of the social upper class (and hardly impoverished), was dependent upon the people's tithes and offerings as his sustenance, the provision of which was not always guaranteed.[6] By contrast, the widow had very little social merit to rely upon, so that her survival would depend largely on her own work ethic (Ruth 2), justice in her favor,[7] charity from fellow Israelites who might hire her as a servant (Deut 15:12-18), or the triennial tithe (Deut 14:28-29).

Now consider the Levite, whose vulnerability was subject to the same socio-economic factors as the priests, i.e., the provision of tithes for his sustenance (Deut 14:28-29), though he was not necessarily impoverished because of this dependence.[8] In short, I suggest that the Levite, widow, orphan, and גר are listed together within Deuteronomy not because they are inherently poor, but because they represent collectively all the potentially vulnerable inhabitants of Israelite covenant communities.[9] The source of their vulnerability and their potential for impoverishment would have varied from one group to the next.

Second, it is significant that שׁער was a form of inheritance, a privilege that the Levites were explicitly denied because of their cultic service.[10] Instead, the ministries of the Levites earn them a portion of the tithe as their inheritance. So, inasmuch as the lay Israelite had to work for his inheritance of e.g., שׁער, ארץ, and אדמה, the rural Levite also had to work for his inheritance.

[6] E.g., with the Levites in Neh 13:10-14.

[7] Deut 10:18; 24:17; Contra Isa 10:1-2.

[8] Harald Samuel, *Von Priestern zum Patriarchen: Levi und die Leviten im Alten Testament*, BZAW 448 (Berlin: De Gruyter, 2014), 81.

[9] Although the increasing wealth of the גר is mentioned in the context of a curse, Deut 28:43 attests to the possibility that a גר might not necessarily remain poor.

[10] Deut 18:1-2; cf. Num 8:14-19; 18:21-26. Cf. Frese, "Land of Gates," 46–47.

Granted, this is contrary to the traditional view that the rural Levites retained their right to tithes as a concession for being disenfranchised from the rural high place altars, but that traditional presupposition is little more than hypothetical. There is no reason to assume that the tithe granted to the rural Levites was a cultic concession that had been given based on previous work or status, since there is no such precedent in the HB. The Levitical tithe was granted only in exchange for services that they continued to render (Num 18:21-24).[11] Even the retired Levites were paid the tithe in exchange for their ongoing משמרת.[12] This suggests that the presence of rural Levites in the covenant communities of Israel was motivated by different factors than those for which the גר, orphan, and widow were present. Namely, the Levites were present in the שערים because they worked there, and they received the triennial tithe in the שערים as payment for their work. As I suggested in chapter three, this work was predicated on their function as firstborn substitutes and the extension of their cultic משמרת into the social sphere of the שערים. In the case of the Levites, the triennial tithe was not an economic entitlement. It functioned just like the annual tithe, as a payment to the Levites for their work. The only difference was that the ongoing work of the Levites and their triennial tithe income occurred in the שערים instead of the מקום. As we consider the various extensions of the משמרת which the rural Levites performed in the שערים, we will find that some may have earned them additional income for services rendered to the community, beyond what they earned via the tithe.

[11] See chapter 3 above.
[12] Num 8:23-26. Cf. Milgrom, *Studies*, 9.

Returning to the primary topic of the present chapter, Levitical מִשְׁמֶרֶת was manifest partially in cultic scribal specializations, which served several needs in and outside of the central sanctuary. A dominant specialization was accounting for sanctuary storage facilities and their resources, which could be nuanced as gatekeeping and money-handling,[13] or even just receiving tithes and offerings.[14] A sub-specialization of Levitical accounting was the responsibility for sanctuary weights and measures.[15] This was manifest separately in the valuation and exchange of resources and in the use of existing sanctuary resources,[16] e.g., flour for grain-related items that were offered or consumed in the sanctuary precincts.[17] However, they were also responsible for the proper measure of mixed items (e.g., incense). Another sub-specialization of Levitical accounting was the management and disbursement of resources for the construction or maintenance of the temple.[18] Although it may not seem like these scribal specializations were directly involved in the rituals of the cult, they were regarded as the Levite's מִשְׁמֶרֶת (1 Chron 23:32, cf. Num 18:21), and were to be performed with ritual precision.[19] Thus, even in the mundane task of cultic accounting, we see that the Levites functioned as ritual specialists.

[13] 1 Chron 9:26; 23:5, 32; 26:17, 20; 2 Chron 15:14-15; 23:4; 24:4-7, 11; 31:11-19; 34:11-13; Ezra 8:30; Neh 12:25; 13:13, 22. Cf. Paola Negri Scafa, "'ana Pani Abulli Šaṭir': Gates in the Texts of the City of Nuzi," in *Studies on the Civilization and Culture of Nuzi and the Hurrians*, ed. David I. Owen and Martha A. Morrison, vol. 9 of *General Studies and Excavations at Nuzi* 10/2 (Winona Lake, IN: Eisenbrauns, 1998), 140–41. Scafa attests to the mix of gate-keeping and scribal functions at Nuzi. Scribes could be responsible for their usual scribal duties, but also for guarding the temple gates (e.g., the *rākib narkabti/emantuḫlu*s). Additional vocational diversity is attested also for Nuzi's *abultannu* and *emantuḫlu*.

[14] Neh 10:34-39; 12:44.

[15] 1 Chron 23:3; Ezra 8:33.

[16] On the process of valuation at the sanctuary, see Num 18:16; Lev 5:15, 18; 6:6; 27:1-27.

[17] I.e., the showbread, grain offerings, unleavened wafers, and baked items.

[18] 1 Chron 23:4; 2 Chron 34:11-13; Ezra 3:8-9; Neh 11:16. Similarly, the Levites were responsible for managing repairs to the wall of Jerusalem (Neh 3:17).

[19] The implications of ritual imprecision or deviation are dramatically highlighted in the Nadab and Abihu narrative (Lev 10:1-2; Num 3:4), which reinforces the need for ritual specialists to handle even the most mundane of cultic responsibilities.

Although Deuteronomy lacks any description of such scribal roles as we find in Chronicles, Ezra, and Nehemiah, and it lacks any description of temple or tabernacle architecture (including whether it had storehouses), such cultic roles and structures were germane to temples and would have been part of Deuteronomy's conception of the Israelite cult. Besides functioning as substitutes for Israel's firstborn and guarding the sanctuary and its rites (chapter three) or assisting with the slaughter and butchering of sacrificial animals (chapter five), when the resident and rural Levites performed משמרת at the central sanctuary in Deuteronomy they also probably accounted for the resources going into, coming out of, and being used within the cultic complex. In this chapter I will consider how the rural Levite's sanctuary משמרת extended into the social sphere in the form of various scribal specializations, including local tithe administration, judicial שוטרים, and oversight of locally initiated oaths and vows, some of which may have featured social ritual elements.[20]

I. Administrators of Tithed Goods

I have highlighted how Levitical משמרת was manifest partially in cultic scribal specializations outside of Deuteronomy and suggested that the cult in Deuteronomy probably employed Levites in similar ways. We can infer from the social structure of Israel as presented in the HB, and from the extension of two semi-cultic tithe phenomena into the social sphere, that

[20] Leuchter, "The Levite in Your Gates," 417–36; makes a similar argument about the ongoing scribal role of the Levites in the שערים (see section II below). Although this chapter will address Levitical scribalism in the שערים, I will not address issues of ancient literacy or scribalism as a practice (cf. William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University, 2005), 91–117.), neither will I discuss the topic of Levitical authorship and/or Northern origins of Deuteronomy. For these, cf. Jeffrey C. Geoghegan, "The Levites and the Literature of the Late-Seventh Century," *JHS* 7.10 (2007): 30–41; Cynthia Edenburg and Reinhard Müller, "A Northern Provenance for Deuteronomy? A Critical Review," *HeBAI* 4 (2015): 148–61. Rather, the focus is upon how Levitical scribal training would have been applied to certain situations at the cult and in the שערים.

the rural Levites would have held analogous scribal specializations in the covenant communities as extensions of their משמרת, based on their expertise in these roles at the central sanctuary, and that this expertise would have made them the most qualified rural inhabitants to perform scribal roles. The rural analogs to cultic scribal accounting were the collection, storage, and disbursement of triennial tithe resources (Deut 14:28-29; 26:12), and the local exchange of annual tithes for silver (14:24-25).

A. Collecting and Distributing the Triennial Tithe

The notion that the rural Levites were responsible for local tithe administration is not novel. In fact, Neh 10:34-39 and 12:44 attest to this Levitical duty in the post-exilic era. Although it could at least be argued that this duty developed later out of the rural Levites' presence in the שערים in Deuteronomy, I will propose in this section that the rural Levites probably already functioned as administrators of the local tithe as early as Deuteronomy.

The annual tithe (and probably also the triennial tithe) was collected during one of the three primary festivals listed in Deut 16:1-17 (i.e., Pesach, Shavuot, and Sukkot), but the most likely time for the annual tithe and triennial tithe was the festival of Sukkot.[21] Although the tithe was not stipulated within Sukkot's sacrificial inventory (Num 29:12-38), this would have been an ideal time to collect the tithe for two reasons. First, the tithe constituted a portion of the overall agricultural yield for the year's entire harvest, and the feast of Sukkot was a harvest festival intended in part to celebrate the culmination of the harvest season. The two were naturally connected. Second, the sacrificial inventory for Sukkot, lengthy as it may be, describes

[21] Christensen, *Deuteronomy 1:1-21:9*, 304; Lundbom, *Deuteronomy*, 428, 484; Marty E. Stevens, *Temples, Tithes, and Taxes: The Temple and the Economic Life of Ancient Israel* (Peabody, MA: Hendrickson Publishers, 2006), 96–98.

sacrifices that could only be consumed by God (i.e., the עלה, נסך, חטאת, and part of the מנחה) or by the priests (i.e., the majority of the מנחה).[22] Without the presentation of tithe offerings for communal consumption, Sukkot could hardly be considered "the feast" (Lev 23:39).

As an offering, the annual tithe was categorized as a שׁלמים "peace offering," which was a sub-category of זבח.[23] The different offerings in the Israelite cult served different functions and held different statuses. The שׁלמים functioned as a shared meal between the parties involved (e.g., God, cultic personnel, and worshippers), which was intended to strengthen the relationship between them.[24] Only a portion of the offering (mostly the fat) was to be burnt on the altar for God's consumption, but the breast and right thigh were cooked and consumed by the priests,[25] and the remaining edible portions were consumed by the lay people.[26] Unlike other offerings which could be restricted to consumption by God or by the priests, the majority of the שׁלמים could be consumed by anyone in the camp/nation as long as they were clean, able to access the sanctuary courtyard, and consumed the offering in a clean place.[27]

The שׁלמים was also distinguished from the other sacrifices because it was slaughtered away from the altar (e.g., at the entrance to the tent of meeting; cf. Lev 3:2), whereas the others

[22] The עלה was completely burnt on the altar, as was the נסך (Lev 1), the חטאת was deposited on the altar and in a place outside the cultic area (Exod 29:10-14; Lev 4:1-12), and the מנחה was divided into a portion for God and a portion for the priests (Lev 2). None of these offerings extended to the lay Israelites.

[23] Note the distinction between עלה and זבח in Deut 12:6. See section three below on vows as שׁלמים or עלות.

[24] Jenson, *Graded Holiness*, 161.

[25] Numbers 18:11; Lev 10:14; 22:12-13.

[26] Jenson, *Graded Holiness*, 162.

[27] Jenson, *Graded Holiness*, 171. Cf. Lev 7:11-21; Num 18:19; Lev 10:14; According to Deut 23:2-9 the accessibility of the שׁלמים would be slightly limited.

were slaughtered on the north side of the altar (Lev 1:11).[28] This was likely because the שלמים was only considered "holy" as opposed to "most holy," in status compared to the other offerings. These details suggest that everything about the שלמים was of a transitional nature.[29] With respect to how the שלמים was butchered and consumed (some parts burnt, other parts cooked), who consumed it (God, priests, people), where it was consumed (in a clean place), where it was sacrificed (away from the altar), its lower "holy" status, and its relationally binding purpose, the שלמים was an offering that straddled the boundary between sacred and secular, between the cult and society. Although the שלמים was considerably more accessible than other offerings, e.g., the עלה, the requirements of the offering would have excluded some groups within Israel from enjoying the meal (Deut 23:2-9).

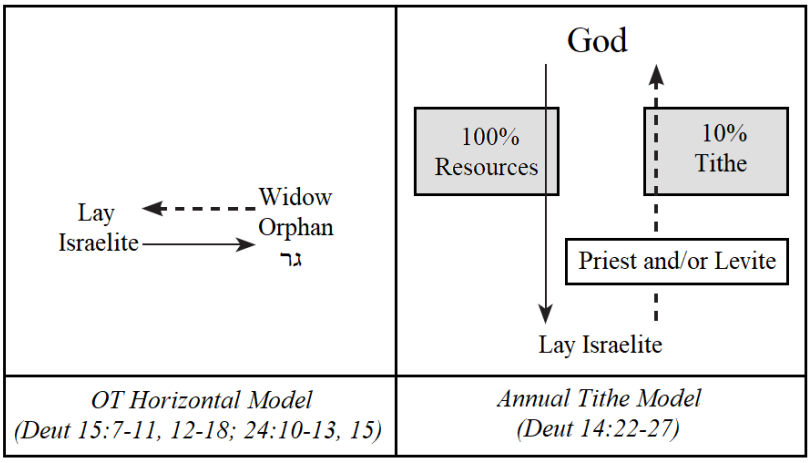

Fig. 5. Old Testament Horizontal and Vertical Models of Exchange.[30]

[28] Jenson, *Graded Holiness*, 174. Menahem Haran, *Temples and Temple-Service*, 184–85; notes that the area where the שלמים were slaughtered was accessible to laymen and Levites, but the area on the northern side of the altar where the other offerings were slaughtered (e.g., עלה and חטת) was accessible only to priests.

[29] Jenson, *Graded Holiness*, 90.

[30] The solid line represents giving that takes the form of divine blessing. The dashed line represents giving that takes the form of a lesser individual's offering or response to divine blessing.

The annual tithe and other offerings functioned along a vertical axis of exchange (fig. 5), whereas human-to-human economic interactions functioned along a horizontal axis of exchange (e.g., Deut 15:7-11). Within the vertical model of exchange there were three primary roles: 1) divine patron, held by God, 2) worshipper/blessing recipient, held by the lay Israelite, and 3) priestly intermediary, held by priests and Levites.[31] The tithe model also operated cyclically in time. The cycle began at the end of the previous year when the worshipper requested God's future blessing.[32] This was followed by God's blessing in the next agricultural year, to which the worshipper responded with an oath attesting to the acceptability of the tithe and by returning a lesser portion of that blessing-in-kind, accompanied by praise and thanksgiving and another request for future blessing (26:15), leading to a perpetuation of the cycle.

The triennial tithe in Deuteronomy was similar to the annual tithe in many ways. However, there were also several nuances or genuine differences that helped to distinguish it from the annual tithe. Some of the nuances may be due to Deuteronomy assuming its audience is familiar with certain details that are not explicit in the text. I will highlight five significant differences between the triennial and annual tithes. The frequency of the tithes was different. Whereas the annual tithe was offered two out of every three years, the triennial tithe was offered every third year (Deut 14:28; 26:12).[33] The purpose for the triennial tithe was also mostly distinct from the purpose for the annual tithe. Whereas the annual tithe was intended to provide

[31] Jim Wilson, "The Old Testament Sacrificial Context of 2 Corinthians 8-9," *BBR* 27 (2017): 367–68.

[32] Deuteronomy 26:12-15 associates the oath (vv. 13-14) and the supplication (v. 15) with the triennial tithe. However, the oath and supplication of 26:13-14 and 15 are so generic that they also could have been made during the annual tithe.

[33] Although later rabbinic interpreters regarded the triennial tithe as a second tithe (מעשׂר שׁני), cf. m. Maʿaś. And m. Maʿaś. Š., Deut 26:12-15 suggests that it was probably originally intended to replace the annual tithe every three years, since the removal of הקדשׁ "the sacred portion" of one's תבואה "produce, yield" would have referred to the entire contents of the tithe for that year. It is excessive to suggest that there was another sacred portion that must have still gone to the sanctuary every third year.

sustenance for the priests and Levites as compensation for their service at the sanctuary, the triennial tithe was intended to provide sustenance for the rural Levite, widow, orphan, and גר of the שׁערים.[34] So, there is both continuity (in the provision of sustenance to the Levites) and discontinuity (in the provision of sustenance to the priests or the *personae miserae*) in the purposes for the annual and triennial tithes, respectively. Another distinction between the annual and triennial tithes was the location where they were deposited, namely, where the tithe animals were slaughtered and where the food was cooked. The annual tithe was deposited at the sanctuary (Lev 7:28-30; Deut 12:6, 11, 17-18; 14:23), slaughtered as a שׁלמים at the entrance to the tent of meeting (Lev 3:2), and cooked on the altar (Lev 7:28-34).[35] By contrast, the triennial tithe was deposited בשׁעריך "in your covenant communities" (Deut 14:28) and slaughtered and cooked in the vicinity of the covenant community as a type of secular slaughter (Deut 12:15-16, 21-24).[36] During the slaughter and cooking of tithed animals, the animal's blood was handled in different social-level rituals. As a שׁלמים, the blood of sacrificed tithe animals was applied to the altar (Lev 3:2, 13), whereas the blood of slaughtered triennial tithe animals was poured on the ground like water (Deut 12:16, 23). While we might be tempted to overemphasize the role of the altar in distinguishing these blood rituals, I will suggest in chapter five that the altar is a less

[34] Regarding the annual tithe, cf. Num 18:21, 24, 26-32; Deut 18:3-4, 8; and regarding the triennial tithe cf. Deut 14:28-29; 26:12-13.

[35] The annual tithe, as a שׁלמים must be consumed by the priests in a מקום טהור "clean place" (Lev 10:14), whereas the other offerings must be consumed in a מקום קדשׁ "holy place" (Lev 10:13). We should expect that the same kind of regulation would apply to lay consumption of the שׁלמים in a clean place. I will suggest below that this applied also to the triennial tithe, though not at the sanctuary.

[36] I will argue below and in chapter five that animals slaughtered in the triennial tithe were not treated in exactly the same manner as those of local slaughter, but that the triennial tithe blended local זבח and cultic זבח שׁלמים.

important component of the ritual than we might initially suppose. The differences between the two blood rituals are fewer than their similarities.

One could object to my suggestion that animals were included in the triennial tithe, since the triennial tithe texts never mention tithed animals (Deut 14:28-29; 26:12-15), and that the triennial tithe only included agricultural yield.[37] In response to this objection, I note that the annual tithe texts are inconsistent about the animal tithe. Deuteronomy 14:23 combines the annual tithe with firstborn consumption, though these two were most likely consumed at separate times (Sukkot and Shavuot, respectively) and they are treated separately in Deuteronomy 12, which makes no mention of an animal tithe. However, the annual tithe in 14:24-26 seems to include meat consumption in exchange for money (with no reference to firstborn slaughter). Since Deuteronomy is inconsistent on its explicit inclusion of animals in the annual tithe, we should not take the lack of an explicit reference to animals in the triennial tithe to suggest that they were not actually included. It seems unlikely that animals were not involved in the triennial tithe.

Finally, the annual and triennial tithes held different ritual statuses on the holiness spectrum. Whereas the annual tithe as a שלמים offered on the altar was regarded as "holy," the triennial tithe receives no explicit statement of status, but falls into the category of "profane."[38] From this survey of the differences between the annual and triennial tithes, we can observe that they are primarily superficial differences. In one sense, this means that the details are easily observable at the surface of the text, without much exegesis beyond a few cross-references to

[37] This suggestion could be supported by the use of "graze" in Deut 26:14, which seems to suggest that the triennial tithe was exclusively agricultural. However, this is not the only possible interpretation. Since one could more stealthily graze from agricultural, rather than animal tithes, the statement in Deut 26:14 may be intended to proscribe exactly this kind of behavior.

[38] Numbers 18:8 and 10 describe the holy status of the tithe, compared to the other "most holy" offerings in 18:9-10. See also Jenson, *Graded Holiness*, 174.

Leviticus or Numbers. In another sense, this means that the differences are unsurprising and pragmatic. Since the goals of the triennial tithe seem to be to provide long-term sustenance for the rural Levite, orphan, widow, and גר, and to reinforce local kinship bonds (two tasks which the annual tithe was incapable of accomplishing), we should not be surprised to see differences between the annual and triennial tithes based on location, ritual components, sacred status, recipients, and celebrants.[39] The only unexpected difference might be the frequency of the annual vs. triennial tithe, but even this could be considered pragmatic. As we proceed, we will notice that the relatively minor differences between the tithes are overshadowed by the many similarities between them.

I wish to highlight six potential similarities between the annual and triennial tithes. The two tithes were similar in content. Just as the annual tithe consisted of כל־תבואת זרעך היצא השׂדה "all the produce of your seed which comes out from the field," which included grain, new wine, oil, and livestock (Deut 14:22-23), so the triennial tithe also consisted of כל־מעשׂר תבואתך "all the tithe of your produce," which was also יצא "brought out" (14:28; 26:12). Although the contents of the triennial tithe are not explicitly stated, the terminological parallels and economic reality suggest that the triennial tithe would have included the same materials of grain, new wine, oil, and livestock. The timing of the two tithes was also similar. Just as the annual tithe was celebrated at the end of the harvest year in connection with the feast of Sukkot, so the triennial

[39] It is interesting that even the difference of celebrants was not actually *that* different, since Deut 16:13 allows for the lay Israelite, rural Levite, widow, orphan, and גר to attend cultic festivals. The only ones potentially left out of the triennial tithe celebration were the priests.

tithe was celebrated מקצה שלש שנים, "at the *end* of the third year" (14:28), and in connection with Sukkot.[40]

Another significant similarity between the annual and triennial tithes was their liminal status at the bottom and top of their respective cultic and social contexts (see chapter five). It has already been noted that the tithe as a שלמים was slaughtered in a different location from other offerings, namely, at the entrance to the tent of meeting (Lev 3:2), rather than on the north side of the altar (Lev 1:11).[41] I have also emphasized how in every way the tithe as a שלמים operated in a liminal state, transitioning between sacred and secular and between the cult and society.[42] The same could be said of the triennial tithe. As a ritual meal that occurred away from the sanctuary, the slaughter of triennial tithe animals was categorized as local slaughter (זבח, cf. Deut 12:15-16, 20-23), rather than cultic sacrifice.[43] However, it was the chief of the non-cultic forms of animal slaughter, and operated in a liminal state between secular and sacred, and between society and cult.[44] As a type of local slaughter, the location and manner of the triennial tithe slaughter ritual would have been similar to any other type of local slaughter, i.e., they could occur in any שער, and required the application of blood to the ground (Deut 12:15, 16, 21, 23).

Despite this categorization, the triennial tithe had more in common with the שלמים than local slaughter, based on timing, content, and status. Whereas local slaughter could occur at any

[40] The implications of the connection between the triennial tithe and Sukkot will be considered in section five.

[41] Jenson, *Graded Holiness*, 174.

[42] Jenson, *Graded Holiness*, 90.

[43] I will save my discussion of the interchangeable use of זבח for cultic offerings and local animal slaughter (Deut 12:11, 15, 21, 27) for chapter five.

[44] Cf. chapter five, section 1.

time, simply "because the craving of your being is to eat meat" (12:20), triennial tithe slaughter could only occur at the time when the tithe normally would have occurred, i.e., at the end of the harvest year (14:28) and in connection with Sukkot.[45] The triennial tithe occurred on cultic time. Whereas local slaughter could include the ox, sheep, goat, deer, gazelle, roebuck (possibly of the Sears variety), wild goat, ibex, antelope, mountain sheep, marine life with fins and scales, and clean birds,[46] the triennial tithe was limited to the animals that could be offered as שלמים, i.e., sheep and goats (cf. Lev 3:1, 6, 7, 12). Finally, whereas local slaughter could be consumed by people who were ritually clean (טהור) and unclean (טמא),[47] the triennial tithe could only be consumed by those who were ritually clean (cf. Deut 26:14).[48] This is based on the oath statement in Deut 26:14 "I have not grazed from it in uncleanness/while unclean." One of the concerns here may be with stealthily consuming the triennial tithe rather than offering the entirety of it to the *personae miserae* to consume. Another concern may be with the status of the person while they graze from the triennial tithe. Namely, the triennial tithe could not be consumed בטמא, but only while ritually clean.

[45] The timing of local slaughter will be nuanced in chapter five.

[46] See especially Deut 12:15, 22; 14:4-5, 9, 11, 20.

[47] Deuteronomy 12:15, 22. These could include, e.g., the Israelites, גרים, and maybe even the נכרי, cf. Deut 14:21. The terms טמא and טהור are antonyms, with the former describing ritual uncleanness and the latter describing ritual cleanness. Whereas טמא is used in Deut 12:15, 22; 15:22; and 26:14 to refer to the ritually unclean, טהור is used in Deut 12:15, 22; and 15:22 to refer to the ritually clean (cf. Lev 7:19; 10:10; Num 18:11, 13). On the cleanliness of local slaughter consumers, see von Rad, *Deuteronomy*, 161.

[48] Admittedly, the portion of the oath in Deut 26:14 specifies "I have not removed/grazed any of it while [I was] unclean (טמא)," which may refer to the worshipper consuming triennial tithe goods in an unclean state earlier in the year. However, the point of this statement is not merely "I have not consumed any of the tithe previously," but also to emphasize the importance of consuming even the triennial tithe in a state of ritual cleanness (טהור). The seriousness with which ritual cleanness was regarded for the triennial tithe is also reminiscent of the severity for consuming a שלמים in a state of טמא.

Compare this to the same requirement for consumers of the annual tithe and the same concern that ritual contagion/טמא could be transferred from an unclean person to the offering.[49] In short, the triennial tithe is presented as a semi-sacred variant of the שׁלמים that had been adapted to suit the rural context of the שׁערים, and perhaps also some of the members of society who were perpetually rejected from the cult site (Deut 23:2-9), but could have been made ritually טהור in order to celebrate the triennial tithe in a non-cultic location.

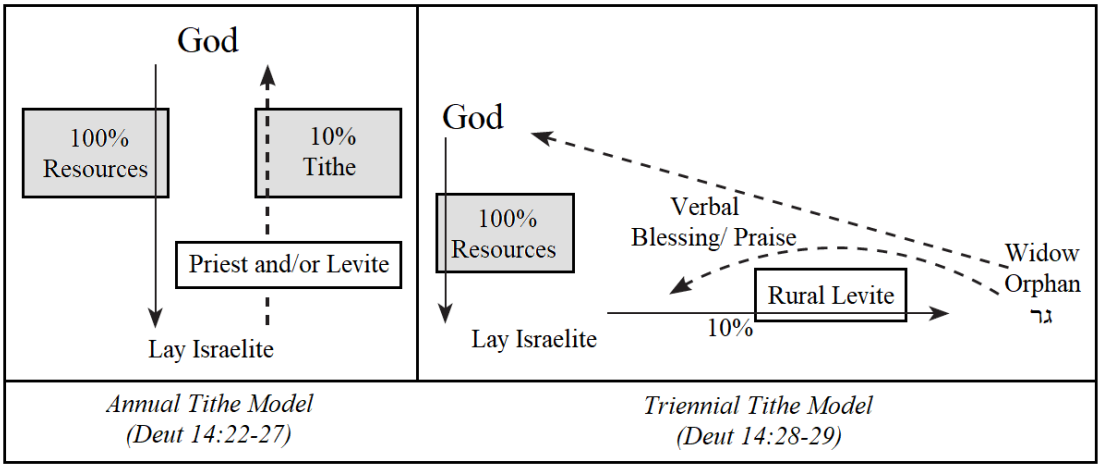

Fig. 6. Annual and Triennial Tithe Cycle Models of Exchange.[50]

The annual and triennial tithes also shared common roles and processes. As mentioned above, the tithe and other offerings functioned along a vertical axis of exchange (the tithe cycle), whereas human-to-human economic interactions functioned along a horizontal axis of exchange (e.g., Deut 15:7-11). In the case of the triennial tithe, the two models were integrated into a

[49] Leviticus 7:19. Num 18:11 specifies that the priests who consumed all offerings, e.g., the tithe (18:24), must have been טהור. The concern for ritual contagion is expressed in Lev 7:19-21 in relation to the שׁלמים and in Deut 26:14 in relation to the triennial tithe.

[50] As in fig. 1 above, the solid line represents giving in the form of divine blessing, while the dashed line represents giving in the form of an offering or response to divine blessing. The curved dashed line represents the giving of praise to the lay Israelite in response to their "divine" blessing.

triangular cycle, allowing the lay Israelites to give their tithe offerings to the Levite, גר, widow, and orphan rather than to God (fig. 6). This also allowed roles to be elevated, so that the role of patron transferred from God to the lay Israelite (*imitatio dei*), the role of worshipper/blessing recipient transferred from the lay Israelite to the *personae miserae* (*imitatio lay*), and the role of ritual specialist was held exclusively by the rural Levite (*imitatio sacerdos*), without priestly oversight.[51] Although Deuteronomy never explicitly assigns the rural Levite to the task of ritual specialist in the triennial tithe, he would be the most likely to fulfill this role based on his administrative experience with the annual tithe, noted above. The triennial tithe was probably also similar to the annual tithe in its temporal cycle. It could have begun with a supplication for God's blessing, followed by God's blessing in response, to which the worshipper responded by swearing an oath attesting to the acceptability of the tithe and by transferring a portion on to the *personae miserae*, to which the *personae miserae* responded by returning to God their praise and thanksgiving, followed by a request for future blessing (Deut 26:12-15).

Another similarity between the two tithes was the status of their location of consumption. Whereas the locations of consumption between the two tithes were geographically distinct, the purity status of both locations may have been identically "clean." The status of the annual tithe's location of consumption is explicitly described as "clean." Leviticus 10:14 refers to a clean place of consumption in close proximity to the cult site. However, since the period for consumption of שלמים is elsewhere limited to the day of its sacrifice, or the day after (Lev 7:15-18), the regulation is somewhat open-ended. Within a span of two days, one could conceivably find a clean place at a considerable distance away from the sanctuary in which to consume the שלמים.

[51] Wilson, "Sacrificial Context," 369–70.

So, we can hypothesize that the status of the triennial tithe's location of consumption was also clean, though it is ultimately unclear. A final point of comparison between the tithes pertains to who could consume them. Although the priests were potentially left out of the triennial tithe feast, the consumers of the annual and triennial tithe were the same.[52] Deuteronomy allows the widow, orphan, and גר to be included in the sanctuary festivals (Deut 16:11, 14) and the triennial tithe (14:28-29).[53] The participation of the lay Israelites in the triennial tithe is unclear. Like the *personae miserae*, the lay Israelites participated in the annual tithe. However, their only explicit role in the triennial tithe was to deposit their tithes in the שׁערים. I believe the observance of the triennial tithe would have been more of a festal atmosphere, meant to cement bonds between the lay Israelites and *personae miserae* in the שׁערים, rather than a transactional depositing of goods without an associated feast. However, it is also possible that the lay Israelites had no role in consuming the triennial tithe, and that it went exclusively to the *personae miserae*. The text is ambiguous. The Levites may have participated as tithe administrators, involved as recorders of the tithed goods, and also as the blood-handlers, butchers, and cooks (i.e., as local equivalents to the sanctuary priests, but with some differences; see chapter five). As I have suggested in chapter three, the Levites received the triennial tithes not because they were impoverished, but because their continued service in the שׁערים was regarded as an extension of their sanctuary משׁמרת, and because their lack of inheritance made them vulnerable (though the widow, orphan, and גר were

[52] It is actually possible that the priests would have been included in the triennial tithe, if it occurred also in the sanctuary city (and we have no reason to suspect that it did not), which was one of the שׁערים, after all. I will elaborate on this in chapter six. Additionally, even the priests were among the בני לוי, so it could be argued that during the triennial tithe even they were regarded as Levites.

[53] Actually, the feast of Passover/Unleavened Bread does not specify who should attend, except for all the males (Deut 16:16). It is possible that the females, widows, orphans, and גרים were excluded from this festival.

vulnerable for different reasons).[54] God also could have been perceived as present implicitly, since these were covenant communities and the celebration (and oath) were performed in fulfillment of covenant obedience, but the text is again silent.

From this survey of the similarities between the annual and triennial tithes, we can observe that the similarities were in the more substantive areas of: 1) tithe contents, 2) cyclical timing, 3) liminal semi-sacred status, 4) cyclical roles and processes, 5) a clean location of consumption, and 6) tithe consumers; though the correlations between the annual and triennial tithes in areas 4-6 are more speculative. By contrast, the differences between the tithes were more superficial, incidental, and/or pragmatically motivated in the areas of: 1) frequency, 2) purpose, 3) location, 4) blood rites, and 5) holiness status. The triennial tithe was a non-cultic semi-sacred variant of the annual tithe (שלמים). I will further substantiate this claim in chapter five where I present a gradation of non-cultic slaughter. Besides the many observations that I have made in the present survey, the many details about the annual and triennial tithes that can be gleaned from the HB, and the details about which Deuteronomy is silent, there are still several questions about the triennial tithe which Deuteronomy has left unanswered:

1. If the roles of participants in the annual tithe were paralleled and elevated for participants in the triennial tithe, and if the lay Israelites functioned in the role of divine patron via *imitatio dei*, and the *personae miserae* functioned in the role of blessing recipient/worshipper via *imitatio lay*, then what ritual specialist might have functioned in the role of priestly intermediary?

[54] I disagree with Samuel, *Von Priestern zum Patriarchen*, 87. who interprets Deut 14:28-29 as feeding only the widow, orphan, and גר, in exclusion of the Levite, and who believes that the tithes were not brought to the Levites when they were deposited in the שערים.

2. Since the triennial tithe required participants to be ritually טהור, which ritual specialist would have been responsible for ensuring that the people and their tithes followed proper protocol for ritual purity?
3. In connection with ensuring ritual purity, who administered, witnessed, and/or notarized the oath statement in Deut 26:12-15?
4. Given that sanctuary tithes were typically recorded (2 Chron 31:12), partially used in a festival, and stored for long-term sustenance of the tithe recipients (2 Chron 15:14-15; cf. Neh 12:25; 13:13), and that this task for the annual tithe required a ritual specialist; who was responsible for collecting, recording, and storing the triennial tithe long-term?
5. Likewise, who was responsible for immediately distributing the triennial tithe as a festal meal (if applicable) and in the long-term to the *personae miserae* for their sustenance?
6. Additionally, where in the שׁערים was the triennial tithe actually deposited and stored?
7. How was the triennial tithe allocated amongst the festal participants?

I believe the short answer to questions one through five is "the rural Levite." As a co-recipient with the priests of the annual tithe, and as co-participant with the priests in the role of cultic intermediary (see chapter three), the rural Levite was the most likely person to function as a "priestly" intermediary between the lay Israelites and the *personae miserae* in the triennial tithe cycle. As a sanctuary gatekeeper, the Levite was responsible for ensuring the ritual purity of themselves and anyone entering the cultic sphere, and therefore they had the requisite expertise to ensure that the protocol for ritual purity was followed for the triennial tithe. A part of this protocol was the oath statement in Deut 26:12-15, which as we shall see below in section III, would have likely employed the rural Levite as a witness and/or notary of the oath, which most likely occurred locally (not at the sanctuary) after the lay Israelite deposited his triennial tithe. As

scribes responsible for recording goods that entered and exited the sanctuary treasury and storehouses, in connection to their general duty of משמרת, the rural Levites would have been responsible for recording the deposit of additional cultic property in the שערים, namely, the triennial tithe. Likewise, in connection to their scribal gatekeeping משמרת, and most notably their role in allocating tithed goods to themselves and the priests (Num 18:25-32), the rural Levites would have been responsible for allocating some tithe goods for immediate consumption by the participants in the triennial tithe feast, and for allocating the remaining goods to themselves and the *personae miserae* on a regular basis for their sustenance. Although Deut 14:28-29 and 26:12-15 do not specify how, how much, or how often the triennial tithe would have been distributed to the *personae miserae*, I have inferred that it would have been distributed over time based on the anticipated size of the triennial tithe (i.e., rations of grain, wine, and oil for a single person, expected to last about 3 years), the amount of food an ancient Israelite may have consumed on a subsistence diet, and the average storage capacity of an Iron Age Israelite house (enough for maybe one year of foodstuffs).

The triennial tithe accounted for the tithed goods of an Israelite household every third year, and would have been equal to the annual tithe goods accumulated in previous years. However, when all the tithes were collected every third year for the benefit of the *personae miserae*, the implication seems to be that once these resources were distributed they would be able to provide the basic subsistence of the *personae miserae* over the next three years, until the next triennial tithe.[55] Although it is possible that the *personae miserae* were housed in special

[55] Granted, the *personae miserae* would have gleaned some sustenance from the fields (Lev 19:9-10; 23:22; cf. Ruth 2). However, this practice is not overt in Deuteronomy, and neither is the triennial tithe overt outside of Deuteronomy. So, it is difficult to know whether Deuteronomy assumes gleaning as an additional subsistence

accommodations near the gate,[56] the standard dwelling of the Iron Age was the three or four room pillared house.[57] John S. Holladay Jr. has estimated that the storage capacity of the average pillared house was roughly equivalent to what was needed for a family of five and their livestock living on a subsistence diet.[58] In short, if the average house was only able to accommodate a year's worth of food for the family, it seems unlikely that the *personae miserae* would have sufficient storage space, wherever they lived, to accommodate three years' worth of subsistence rations. Rather, it is more likely that most of the triennial tithe was stored near where it was deposited, and that it was rationed out gradually to the *personae miserae* as-needed.[59]

As for the location where the triennial tithe was deposited and to which the *personae miserae* would have regularly gone to receive their subsistence allotment, Deuteronomy 14:28 only specifies generally that this was in the שׁערים. As a matter of practicality, the location would

strategy for the *personae miserae*, or if the triennial tithe and gleaning were created as alternative strategies by alternative ideologies (D and P/H).

[56] Avraham Faust, *The Archaeology of Israelite Society in Iron Age II* (Winona Lake, IN: Eisenbrauns, 2012), 104–8. Faust interprets the phrase "city gate" to refer to the whole area or quarter of a city including the gate, plaza, and nearby public buildings. He refutes the interpretation of the large Iron IIB-C pillared buildings (cf. Borowski, *Agriculture*, 78-80) at e.g., Tell el-Ḥesi, Tell Qasîleh, Tell Abu Hawam, Megiddo, Hazor, and Beer-Sheba, as public or administrative storehouses, barracks, or stables. Rather, he asserts that the *personae miserae* could have lived in these buildings, since they are often associated with the שׁערים and this is a probable location where the triennial tithe was deposited (Deut 14:28-29). However, Frese, "Civic Forum," 234-36 and 279-93, refutes Faust's conclusions, suggesting instead that שׁער in Deuteronomy specifically refers to the entire covenant community of the towns.

[57] Oded Borowski, *Daily Life in Biblical Times* (Atlanta: SBL, 2003), 18.

[58] John S. Holladay, "The Kingdoms of Israel and Judah: Political and Economic Centralization in the Iron IIA-B (ca. 1000-750 BCE)," in *The Archaeology of Society in the Holy Land*, ed. Thomas Evan Levy (London: Continuum, 2003), 387; John S. Holladay, "House, Israelite," *ABD* 3:308–17; Borowski, *Daily Life*, 72–73; Oded Borowski, *Agriculture in Iron Age Israel* (Winona Lake, IN: Eisenbrauns, 2009), 72–73; Carey Walsh, *The Fruit of the Vine: Viticulture in Ancient Israel* (Winona Lake, IN: Eisenbrauns, 2000), 51, observes that Holladay's estimate does not account for oil and wine storage.

[59] On further speculation regarding the long-term storage of the triennial tithe in the שׁערים, see Tigay, *Deuteronomy*, 369 n 43; Lundbom, *Deuteronomy*, 486. Nelson, *Deuteronomy*, 186–87, asks similar questions to the ones I have asked above, stating "Characteristically, Deuteronomy pays no attention to administrative problems. What institution is responsible for storage and distribution? Is there a regular, periodic distribution? There is no bureaucracy or state interference; this is a purely local social program." However, I would disagree with his assessment that there was no bureaucracy. Deuteronomy may not mention bureaucracy, but this is not proof that no bureaucracy existed to govern the tithes.

have to function as a storehouse, and would have to be cultic property, since the triennial tithe and the location where it was stored would have been extensions of the cultic establishment. It is possible that this location was at the decommissioned cult site/high place in the שׁערים where the rural Levites had served before cult centralization. I will substantiate this claim below in section C, where I discuss Arad as a test case for how a similar system of redistribution was administered.

Finally, Deuteronomy is unclear about how the triennial tithe would have been apportioned long-term to the Levites and *personae miserae*. While the references to the tithe as the rural Levites' inheritance (Deut 10:9; 12:12; 14:27, 29; 18:1) ultimately functioned as citations of their role as firstborn substitutes, which allowed them to perform cultic משׁמרת and עבדה (see chapter three), the references to inheritance also served the practical purpose of reminding the people that the Levites' ongoing service continued to justify their receipt of annual and triennial tithe goods. Thus, it is plausible that the Levites took the same portion from the triennial tithe that they took from the annual tithe, i.e., 90% (Num 18:21-24). However, this would have left only 10% for distributing to the larger group of *personae miserae*. More likely, if the rural Levites were elevated to the role of priestly intermediaries in the triennial tithe cycle (*imitatio sacerdos*), their portion of the triennial tithe would have been analogous to the priests' portion in the annual tithe, i.e., 10%; leaving a much more reasonable 90% for the *personae miserae* (Num 18:25-32).[60] To summarize, in this section I have endeavored to show how the

[60] Perhaps, in the elevated roles of the triennial tithe cycle, this tithe of the triennial tithe would have been regarded vicariously as the tithe of the *personae miserae* to the rural Levites, since they had no material contribution of their own, just as the tithe of the tithe was regarded vicariously as the tithe of the Levites to the priests in Num 18:25-32.

triennial tithe was analogous to the שלמים, albeit in a non-cultic location, and why the rural Levites could have been the ritual specialists responsible for administering the triennial tithe based on their expertise at the central sanctuary and as an extension of their משמרת into the social sphere. In connection with the rural Levites' administration of the triennial tithe, I believe they would have also been responsible in the שערים for administering the exchange of annual tithes for silver (Deut 14:24-26), which I will now discuss.

B. Exchanging Tithes for Silver

In the HB, tithes were expected to be brought to the central sanctuary, probably during the festival of Sukkot, as discussed above. However, Deuteronomy creates two exceptions to this standard. The first was the triennial tithe, discussed in the previous section. The second exception allowed for the annual tithe to be exchanged for silver in the worshipper's town if he lived a considerable distance from the central sanctuary (Deut 14:24-26). This silver could then be used to finance the worshipper's journey to the sanctuary and their purchase of goods to celebrate the tithe (and Sukkot).

I begin by reviewing a recent investigation of silver as a monetary form of exchange in Deut 14:24-26 as it may relate to the economy of the Iron IIB-C periods in ancient Israel.[61] Sandra Richter collects evidence from the archaeological record and interprets the data in light of modern economic-critical methods. Whereas the economy of the Iron I was primarily limited to small-scale subsistence strategies centered around non-monetary kinship-based reciprocal exchange, the economy began to change in the Iron IIA to reflect greater centralization and redistribution led by the state, and eventually resulted in economic specialization and monetary

[61] Sandra Richter, "The Question of Provenance and the Economics of Deuteronomy," *JSOT* 42 (2017): 42.

exchange.[62] Especially noteworthy from the archaeological data are the observations about silver, which had become a dominant medium of exchange in the Iron IIB-C. The administration of silver is remarkably similar to the situation described by Deut 14:24-26. Hoards have been found in Iron II contexts, containing silver that had been weighed, bagged, tied, tagged by quantity, and sealed with bullae by an administrative official, which is comparable to the כסף צור of Deut 14:25. These hoards also reflect a process that was comparable to that described in Jehoash's late 9th/early 8th c. BCE temple repair narrative (2 Kgs 12:6-16), and Josiah's temple repair narrative (2 Kgs 22:1-7), by which silver from the temple treasury was counted, bagged, and used to pay for labor and materials.[63] Richter also makes the textual observation that Deut 14:24-26, is a doublet of 14:22-23 (just as Deut 12:20-24, is a doublet of 12:15-16), which suggests that it was written as a "later expansion designed to address evolving circumstances in the community," i.e., the burgeoning redistributive economy of Iron IIB-C.[64] Richter compares the economic data of Deuteronomy with the economic development of ancient Israel from the Iron I to the Iron IIC to show definitively that the tithe exchange of Deut 14:24-26 reflected economic conditions that were more comparable to the Iron IIB-C period than to any other period prior. Likewise, she asserts that these economic conditions were distinct from those evinced by the rest of *Urdeuteronomium*, which she dates to the Iron I to Iron IIA transition period based on her overall assessment of the economy of *Urdeuteronomium*.[65] As remarkable and innovative as the tithe exchange text was, and as valuable as Richter's analysis has been,

[62] Richter, "The Question of Provenance," 27–31.

[63] Richter, "The Question of Provenance," 31–34; often citing Christine M. Thompson, "Sealed Silver in Iron Age Cisjordan and the 'Invention' of Coinage," *OJA* 22 (2003): 67–107.

[64] Richter, "The Question of Provenance," 42.

[65] Richter, "The Question of Provenance," 48.

some of the details of the text are still opaque due to Deuteronomy's assumptions about its audience's familiarity with their economic context.

The first of these contextual assumptions pertains to the worshipper's use of silver at the central sanctuary. Read in isolation, Deut 14:22-27 could be construed to advocate two problematic uses of the worshipper's silver. For example, one might infer from the phrase בכל אשר־תאוה נפשך, "in exchange for all that your being craves" (Deut 14:26), that the worshipper could consume virtually anything. Of course, this is false. Deuteronomy 14:22-27 is dependent upon the catalogue of clean and unclean animals listed in 14:3-21 and upon the standards for a שלמים-category tithe offering. This would have excluded, among other things, the gazelle and deer, which were acceptable for general consumption (Deut 14:5; cf. 15:22), but not for cultic consumption (Deut 12:20, 22). So, the Israelite worshipper could not literally consume "all that [their] being craves," if what they craved were cultically inappropriate.[66] One might also infer from ונתתה הכסף בכל אשר־תאוה נפשך ובכל אשר תשאלך נפשך ואכלת, "You shall pay the silver in exchange for all that your being craves…and in exchange for all that your being seeks, and you shall eat" (Deut 14:26), that the worshipper might have exchanged all of the silver for goods that he, his household, and the rural Levite would have entirely consumed during the festival. However, this too is erroneous. Rather, Deut 14:22-27 is likely dependent upon other legislation (e.g., Num 18:25-32), so that it would be better to interpret the worshipper's consumption as only a negligible portion of the entire tithe, with some being immediately consumed by the worshippers and the cultic personnel, but the majority being recorded and stored in the sanctuary

[66] The practicality of this phrase in light of animal husbandry in the southern Levant will be considered in chapter five.

storehouses to feed the cultic personnel throughout the rest of the year. The falsehood of these two example inferences may seem obvious to the reader, however, they further illustrate Deuteronomy's tendency to address its audience without fully elucidating the assumptions that underlie its statements. This leads us to the most important assumption about the annual tithe, which Deuteronomy idiosyncratically leaves unexplained. Namely, the system of economic redistribution that would have been required to facilitate the local exchange of tithes for silver.

We can glean a lot of information about the tithe exchange from what Deut 14:24-25 does and does not explicitly state. Explicitly, the concession is based on geographical distance from the sanctuary, stipulates an exchange of the tithe before travelling to the sanctuary, and describes an exchange of less transportable goods (i.e., grain, new wine, oil, and livestock, cf. 14:23, 26) for easily transportable goods (silver). Although a specific distance is not elucidated here, *Mishnah Maaserot* and *Mishnah Maaser Sheni* seem to juxtapose Jerusalem with everywhere else. So, any place outside the immediate proximity of Jerusalem (or the location of the central sanctuary, if one prefers) probably would have been sufficiently distant to merit a tithe exchange. Since the exchange must have occurred prior to one's departure for the sanctuary, and since the majority of the land of Israel and/or Judah was not immediately proximate to the sanctuary, we can infer that the exchange probably occurred in most of the covenant communities throughout the country as a widespread phenomenon. Likewise, since travel from smaller towns to fortified towns might have been as arduous as travelling to the sanctuary city, we can infer that any location which had שׁערים could have facilitated the exchange. Since an exchange of goods for silver/money is stipulated, we can also infer that large quantities of money were held in reserve at the many covenant communities throughout the country just prior to the

time of the tithe. This is all that Deut 14:24-25 tells us explicitly about the exchange. It does not tell us:

1. Where the silver reserves originated.
2. What happened to the tithe goods after they were exchanged.
3. How the sanctuary city (despite being a capital city) could have sufficient resources to provide for the cravings of the visiting worshippers in exchange for their silver.
4. Where in the town or with whom one would make the exchange.
5. Where in the sanctuary city or with whom one would make the exchange from silver to "whatever your being craves."

Without a solution to these issues, the local tithe exchange, not to mention the sanctuary silver exchange, would not have been possible. I suggest that the solution was an existing system of economic redistribution, at the center of which were the rural Levites.

Regarding the issue of where the reserves of silver originated, it is possible that the silver was accumulated throughout the year and stored locally.[67] However, because the tithe exchange would have been an extension of the cultic economy, it is more likely that the silver originated in the temple treasury and was transported to the rural towns shortly before the annual tithe exchange occurred.[68] This would have provided ample long-term storage and high security (the treasury was literally *guarded* by Levites), and would have minimized the risks of robbery in the

[67] Thompson, "Sealed Silver" and Richter, "The Question of Provenance," 31–32, attest to the proliferation of silver in this era.

[68] Joshua T. Walton, "The Regional Economy of the Southern Levant in the 8th-7th Centuries BCE.," PhD Dissertation (Harvard University, 2015), 81, 117, observes three contexts for economic production in the Iron IIB-C: household, market, and palace. Connections with foreign nations reflect a logic of production for exchange in the market. Households and the palace reflect a logic of production for local consumption. Taxation and redistribution reflect a logic of production for the palace and cultic administration. Although these types of production overlapped in whose needs they satisfied, there were also limits to each type. From this perspective, we should recognize that silver exchanged for the tithe, and vice versa, belonged to the palace and cultic economy as forms of taxation and redistribution, and were likely to stay in that economy, rather than being directed toward international or local consumption.

towns, since the silver reserves would have been present there for a short period of time. This type of redistribution would have relied upon an existing economic infrastructure by which the temple and the palace were able to move resources from regional production and collection centers to anywhere else in the kingdom, including peripheral fortresses (e.g., Arad).[69] A classic example of this kind of redistribution is the *lmlk*-stamped vessels.[70] These jars are recognized as part of Hezekiah's royal efforts to collect goods from regional production centers. Although these particular vessels were only utilized for a short time during Hezekiah's reign (714-mid-6th c. BCE), they belong to a line of storage vessels beginning with their unstamped late 9th / early 8th c. BCE predecessors, and continuing to their later Rosette-stamped late 7th c. BCE successors.[71] Besides the differences in how the jars were marked, this line of storage vessels has been interpreted as evidence for a continuous two-century-long system of palace- and/or cult-sponsored redistribution in ancient Israel; as Lipschits has asserted:

> [T]he administrative-economic system associated with these storage jars remained in place from the late 8th century until the destruction of Judah at the beginning of the 6th century BCE. The same system probably persisted throughout the Persian and early

[69] Daniel M. Master, "Economy and Exchange in the Iron Age Kingdoms of the Southern Levant," *BASOR* 372 (2014): 85; Oded Lipschits, Omer Sergi, and Ido Koch, "Royal Judahite Jar Handles: Reconsidering the Chronology of the Lmlk Stamp Impressions," *TA* 37 (2010): 11–16; Avraham Faust and Hayah Katz, "A Canaanite Town, a Judahite Center, and a Persian Period Fort: Excavating over Two Thousand Years of History at Tel 'Eton," *NEA* 78 (2015): 94.

[70] Arnold Bill T., "Number Switching in Deuteronomy 12-26 and the Quest for Urdeuteronomium," *ZABR* 23 (2017): 163-80, suggests a similar method of using (possibly Levitical) runners to distribute legal proclamations from the central administration to the שׁערים during the reign of Hezekiah.

[71] Lipschits, Sergi, and Koch, "Royal Judahite Jar Handles," 4–9; Nadav Na'aman, "The Lmlk Seal Impressions Reconsidered," *TA* 43 (2016): 114; Omer Sergi, "Ramat Raḥel as an Administrative Center: The Early and Late Lmlk Stamp Impressions," *NEA* 74 (2011): 16; Itzhack Shai and Aren M. Maeir, "Pre-Lmlk Jars: A New Class of Iron Age IIA Storage Jars," *TA* 30 (2003): 118–20, observes that this jar type was only one among many types used in the Iron I-IIA, and had probably been an "unofficial enterprise" until it was adopted by Judah's royal administration during the late 8th c. BCE. However, Diana Edelman, "Hezekiah's Alleged Cultic Centralization," *JSOT* 32 (2008): 412.

Hellenistic periods, when jars were marked with the *yhwd* stamp impression, and disappeared with the Hasmoneans in the second half of the 2nd century BCE.[72] This well-established infrastructure easily could have been employed to facilitate movement of tithe exchange silver (or even the exchanged goods themselves), with the added bonus of royal and/or cultic security.[73]

Regarding the fate of the tithed goods that were exchanged locally for silver, it is possible that they were stored locally and added to the stockpile of triennial tithes, so that the provisions of the rural Levites and other *personae miserae* were even more substantial; or perhaps that they were stored locally and used for some other purpose. However, the triennial tithe was already intended to accommodate for these needs, so the addition of the exchanged annual tithes would have vastly exceeded the needs of the Levites and the *personae miserae*. Alternatively, it is possible that the goods could have been injected back into the local economy and earned additional revenue for the temple. However, it is also possible that a sudden surplus in the quantities of these resources would have caused local price inflation, which could have been quite harmful. Daniel Master reminds us of the economic consequences of the Aramean attack on Samaria (2 Kings 6–7), after which prices increased due to market deflation (6:25), but then dropped drastically (7:1), causing a stampede of the royal official in charge of the surplus resources (7:16-20).[74] Another option might have been to trade these resources (especially wine and oil) on the international market. However, with all the towns in Israel attempting to sell their goods internationally, the supply may have exceeded demand, resulting in minimal gain for the

[72] Lipschits, Sergi, and Koch, "Royal Judahite Jar Handles," 9.

[73] Master, "Economy and Exchange," 86, adds that In Israel the temple and its treasury were linked to the palace, so that the king could regularly collect income via the tithe. It would not have been problematic for the palace-based redistribution system to facilitate the movement of temple resources in the way I have suggested.

[74] Master, "Economy and Exchange," 88.

goods. More likely, in my opinion, since these goods already belonged to the temple and the temple was the only market within a fairly close proximity to the towns that was guaranteed to be deflated at the same time that local markets were inflated, the tithe goods would have been redistributed to the temple storehouses.[75] This leads us to consider the next issue, i.e., how the sanctuary city was able to provide for the needs of visiting worshipper's mass consumption. Prior to becoming deflated during the tithe celebration, the sanctuary storehouses must have had a robust stockpile of resources to exchange for the silver of visiting worshippers. A number of sources for this reserve are possible, but one explanation which could satisfy the need for resources at the sanctuary city and the need to liquidate resources in the towns is that the two were linked. Just as the sanctuary may have transported silver to the towns in order to facilitate the local tithe exchange, so also the exchanged tithes could have been transported to the sanctuary in order to replenish its reserve, or perhaps to function as the stock from which the following year's tithe exchange reserve would have been drawn. One could object that this process would have been counterintuitive, since Deuteronomy allows the local exchange of tithes for silver in order to incentivize the worshipper's journey to the sanctuary. Why not just have the worshipper take the tithe with them and eliminate the exchange altogether, if the goods were going to end up at the sanctuary anyway? I would add that there is a difference between the cult transporting exchanged tithes to the sanctuary and individual worshippers transporting them. Whereas the worshippers may have had little incentive to leave their homes and their work for a lengthy journey to the sanctuary, the job of cultic personnel, namely the rural Levites, could have include such tasks as transporting tithes to the sanctuary. Whereas the worshippers may have

[75] Lidar Sapir-Hen, Yuval Gadot, and Israel Finkelstein, "Animal Economy in a Temple City and Its Countryside: Iron Age Jerusalem as a Case Study," *BASOR* 375 (2016): 103–18. Although Tel Moza is proximate to Jerusalem (4–5km), if Jerusalem was supplied by this city it could have been supplied by other cities too.

been vulnerable to highway robbers while they journeyed to the sanctuary, cultic personnel had the support of cultic and/or royal security. Additionally, Lidar Sapir-Hen has conjectured that the temple economy of Iron II Jerusalem was not supplied entirely by local livestock, but by livestock from peripheral towns, namely Tel Moza, which were several kilometers away.[76] In a similar vein, Ziony Zevit adds "supplying cult places with special goods may have been shipped through a trusted network of depots that can be mapped onto (part of) the network of Levitical cities."[77] It is difficult to know with certainty where the resources for the temple economy originated, but the redistribution of exchanged tithes is one possible explanation.

Regarding the issues of where the local exchange would have taken place and who facilitated it, our best inference will need to be informed by section A above. The one who was most likely to facilitate the local exchange of goods for silver, who was entrusted with accounting for resources such as money and tithed goods at the sanctuary and probably also during the triennial tithe, and who had the most direct access to the silver which likely originated from the temple treasury to facilitate the exchange, would have been the rural Levite. The bagged silver found in hoards throughout the Southern Levant were weighed, bagged, bound, tagged, and sealed with bullae by the officials responsible for them.[78] Likewise, the officials responsible for weighing, bagging, and distributing the silver collected for Jehoash's and Josiah's temple repair projects were scribes and priests (2 Kgs 12:10-12). Since the rural Levites already functioned as scribes at the central sanctuary and probably also during the rural triennial tithe, as extensions of their משׁמרת, they could have also administered the annual tithe exchange. The location of the local exchange must have been reasonably secure, so that it could protect the

[76] Sapir-Hen, et al, "Animal Economy."
[77] Zevit, *Religions*, 658.
[78] Richter, "The Question of Provenance," 32–34; Thompson, "Sealed Silver," 78–87.

silver and other resources deposited there, but also sufficiently large to accommodate the temporary or long-term storage of goods tithed from all the households in the town. Such a structure could have been built by the state or the cult, but another more efficient possibility is that the location was the decommissioned cult site where the triennial tithe could have been stored.[79]

The issues of where the exchange would take place within the sanctuary city and who facilitated the exchange are even easier to postulate. The Levites who resided at the sanctuary city and perhaps also the rural Levites who visited and served at the sanctuary (especially during festivals), whose משׁמרת of the sanctuary included keeping records of goods in the sanctuary storehouses and treasury, regulating weights and measures, and handling money, were the most qualified to facilitate the exchange of silver for food and strong drink during the tithe celebration. Since the offering still had to function as a tithe or שׁלמים type of offering, the goods exchanged at the sanctuary had to be appropriately clean and holy, i.e., originating from the sanctuary storehouses.[80] The exchange probably occurred at the gates of the central sanctuary complex.[81]

[79] This assertion will be substantiated below in section C on Arad.

[80] In the case of animals, they may have been pre-slaughtered and cooked on the altar as שׁלמים before being sold to the worshipper in exchange for silver.

[81] Lev 27:8 suggests that valuations, like the exchange in Deut 14:26, were made by and before the priest, though the phrase לפני הכהן, "before the priest," may simply refer to the cultic area in general. 1 Chron 9:17-27 alludes to the location of such activities being in the temple gates. Cf. Arnold, "Number Switching." Natalie N. May, "Gates and Their Functions in Mesopotamia and Ancient Israel," in *The Fabric of Cities: Aspects of Urbanism, Urban Topography and Society in Mesopotamia, Greece, and Rome*, ed. Natalie N. May and Ulrike Steinert, CHANE 68 (Boston: Leiden, 2013), 81. May observes a transition from sacrificial offerings being made in temple gates in the Old Babylonian period, to money offerings being made in temple gates in the Neo-Babylonian period (cf. 2 Chron 27:8-9). She suggests that similar offering practices occurred in city and/or temple gates in the Neo-Babylonian and Neo-Assyrian periods (81 n. 30). Paola Negri Scafa, "'ana Pani Abulli Šaṭir,'" 140–41, 162. Scafa notes that scribes and gatekeepers were present in the residential and temple gates of Nuzi (e.g., the gate officials (*maṣṣar abulli/abultannu*), guards (*emantuḫlu*-officers), and scribes. The scribes of temple gates were also vocationally diverse, since some also performed guard duty of the gates (e.g., the *rākib narkabti/emantuḫlu*s).

Although I am convinced by Richter's assertion that the tithe exchange in Deut 14:24-26 resembles the Iron IIB-C economic context, there are certain aspects of my assessment of the tithe in Deuteronomy that seem to be at odds with her assertion that the economy of *Urdeuteronomium* is more compatible with Israel in the Iron I or IIA, rather than the IIB-C.[82] Because the interpretation of the economy of *Urdeuteronomium* relates to the present discussion of the tithes and the involvement of the Levites, namely, when the Levites might have served as tithe administrators, I will engage at length the points at which my analysis seems to be incompatible with Richter's.

First, Richter asserts that the terminology of international trade in the Iron IIB-C period, although familiar to other HB texts (e.g., Kings and Ezekiel), is conspicuously absent from *Urdeuteronomium*, suggesting that the economic material of this text was written before Iron IIB-C economic terms had proliferated.[83] This is an *argumentum ex silentio*. I do not believe that a lack of terminology is necessarily an indication that such economic systems did not yet exist at the time when *Urdeuteronomium* was composed; neither is *Urdeuteronomium* necessarily agnostic about such economic systems. Deuteronomy may not mention חצות, "markets," the שׁקל as a unit of exchange, or even the process of נטיל, "weighing out" silver,[84] but this does not mean that some or all of these components were absent from the economy of *Urdeuteronomium*. Taking an example from Deuteronomy's description of the cult (e.g., Deut 18:1-8), we can see that the author(s) tends to be less than descriptive of most details, let alone the minutiae, of the cult. Additionally, as shown above, Deuteronomy is not even forthcoming with information

[82] Richter, "The Question of Provenance," 38–50. Richter defines the boundaries of *Urdeuteronomium* as Deut 4:44-27:26 (Richter, 25).

[83] Richter, "The Question of Provenance," 38.

[84] Richter, "The Question of Provenance," 40.

about the tithe exchange, a phenomenon which thanks to Richter's analysis can be placed securely in the Iron IIB-C period. Storage facilities existed at this time, yet they go unmentioned by *Urdeuteronomium*. The silver exchanged in the towns must have originated from the central sanctuary, yet the point of origin, the cultic official responsible for the silver's distribution, and the location where this exchange occurred are also conspicuously left out; and so on. We should not interpret the lack of economic terminology as an indicator that *Urdeuteronomium* was written at a time when the terminology did not yet exist (or had not yet proliferated), but as indicative of Deuteronomy's idiosyncratic communicative method.

Second, Richter asserts "the taxation system described in *Urdeuteronomium* was non-monetary and, at least in part, reciprocal–designed to cement kinship networks,"[85] which is more consistent with the Iron I-IIA economy than the Iron IIB-C when reciprocity shifted primarily to redistribution.[86] Admittedly, Richter has also hedged her position here, allowing for the existence of other types of non-reciprocal exchange. I wish to add to her assessment that despite this shift from reciprocal and diverse village economies to redistributed and specialized regional economies, Joshua Walton has shown that households of the Iron IIB-C period still retained a semblance of their Iron I economic systems. Although they may have devoted most of their resources toward specialized crops, in continuity with the Iron I economy, households of the Judean highlands still attempted diversification in the form of literal cottage-industries in wine and oil production.[87] Diversification was also possible via the market economy.[88] Additionally, Walton has shown that multiple types of economies (i.e., household, market, and palace

[85] Richter, "The Question of Provenance," 41.
[86] Richter, "The Question of Provenance," 40–41.
[87] Walton, "The Regional Economy," 67–68.
[88] Master, "Economy and Exchange," 88, uses the market of Ashkelon as an example, but also suggests that small market economies could have existed in small towns, though they could only supplement other forms of subsistence, rather than fully supporting several non-producing residents like larger urban markets could.

economies) coexisted during the Iron II period.[89] In other words, the economy developed significantly from Iron I to Iron IIC, but this development was not necessarily a phasing-out of the old kinship economy and a phasing-in of the new redistributive economy. Rather, the Israelite economy should be perceived as containing all three types of different economies at any given time in the Iron I to IIC, but with greater and lesser amounts of certain economies compared to others. For example, in the Iron I the household economy may have dominated, but there is no doubt that the existence of a sanctuary necessitated at least a semblance of a palace/temple type of redistributive economy. Likewise, at least some international traders in the Iron I must have developed market economies in important locations along their trade routes. This balance shifted in the opposite direction in the Iron IIB-C, so that the household economy persisted in a diminished form at that time.

Third, and on a related note, Richter asserts that the in-kind type of exchange, rather than monetary exchange, of the original tithe and triennial tithe texts is more consistent with the Iron I-IIA than the Iron IIB-C, when exchange shifted more towards the monetary exchange system exemplified by Deut 14:24-26.[90] I would add that, as noted above, the existence of a cultic economy necessitated a redistributive economic system. There was certainly a gradual development towards utilization of money within the temple's redistribution system that ultimately led to the Levites collecting the tithes in Neh 10:38-40,[91] but I do not believe that the use of in-kind goods to pay tithes is enough of a diachronic marker to place the economy of *Urdeuteronomium* securely in the Iron I period. Rather, the annual and triennial tithe texts of

[89] Walton, "The Regional Economy," 117.
[90] Richter, "The Question of Provenance," 41.
[91] Richter, "The Question of Provenance," 41 n 68.

Deuteronomy 14:22-29 and 26:12-15, which I interpret Richter to suggest as belonging to *Urdeuteronomium*, may reflect economies of slightly later periods.

Fourth, Roger Nam's discussion of "informal economies," when applied to the economic texts of *Urdeuteronomium*, may connote that several of the texts which Richter identifies as part of *Urdeuteronomium* belong instead to later layers.[92] An informal economy was one that arose during times of significant political change or times of general economic instability (e.g., disease, food shortages, war, or political upheaval), when the flaws of a government's economic policy could be exploited by "informal economic sectors." Such economies would have been unregulated and considered illegal by the government, but they would have satisfied the peoples' needs that the government was unwilling or unable to fulfill.[93] Nam identifies the Iron IIB-C as a period during which informal economies were likely to have arisen in ancient Israel. As the Neo-Assyrian empire ascended to dominate the region, Judah's economy became increasingly centralized and specialized, and because it was not able to take care of every possible vulnerability in the system, informal economies arose to exploit the inadequacies and vulnerabilities of this new economic system. In particular, as specialization increased, individual households shifted from a diversified and less risky production strategy to a specialized production strategy that was highly volatile and led to increased food shortages.[94] If the royal administration was unable to help in such times of vulnerability, informal economies would have arisen to create illegal "access to resources through non-sanctioned means particularly for the disenfranchised."[95] Once informal economies were recognized, a government could attempt to

[92] Alternatively, it could be argued that these economic texts were part of *Urdeuteronomium*, if the collection may be dated to sometime in the Iron IIA-C range.

[93] Roger S. Nam, *Portrayals of Economic Exchange in the Book of Kings*, BibInt 112 (Leiden: Brill, 2012), 185.

[94] Nam, *Portrayals of Economic Exchange*, 187.

[95] Nam, *Portrayals of Economic Exchange*, 187.

amend existing economic policies in order to regulate the initially informal economic sector. This was a potentially unending cycle. As new economic strategies and conditions developed, loopholes and weaknesses were exploited by informal markets, which prompted administrative efforts to fix them, and so on. Interestingly, this is remarkably similar to the ritual cycle discussed in chapter two above.[96] I believe that there are several economic texts in *Urdeuteronomium* that could be interpreted as governmental/cultic reactions to informal economies that had developed in relation to the tithe. If my argument is considered tenable, it could either mean that *Urdeuteronomium* was written closer to the Iron IIB-C than Richter allows, or it could mean that certain texts which she considers to be part of *Urdeuteronomium* were later additions. Namely, besides the tithe exchange, which Richter already places outside of *Urdeuteronomium*, I will propose that the triennial tithe (Deut 14:28-29) and the triennial tithe oath (26:12-15) functioned as cultic responses to informal economic sectors.[97]

As a way of entering into the discussion and illustrating the concept, I begin with a clear example of cultic response to an informal economy, the concession for local slaughter based on geographical proximity to the central sanctuary (Deut 12:20-24).[98] The initial economic problem was that the central sanctuary was too far away from the majority of Israelites for them to be able to access it every time they wanted or needed to consume meat or to celebrate the tithe. The informal economic solution that arose to this problem may have been for Israelites to begin consuming all meat and tithes locally, possibly in connection with traditional local festivals.[99] The cultic response intended to regulate this informal economic sector was to allow Israelites to

[96] Cf. Bell, *Ritual Theory*, 94-117.

[97] Richter, "The Question of Provenance," 40–44, includes the annual tithe (Deut 14:22-23) and the triennial tithe (14:28-29) within *Urdeuteronomium*.

[98] Richter, "The Question of Provenance," 42, affirms the secondary addition of Deut 12:20-24, like the secondary addition of 14:24-26, because it is a doublet of the preceding 12:15-16.

[99] Haran, *Temples and Temple-Service*, 306–16. In chapter five I will discuss the possibility that local festivals were still considered somewhat legal by Deuteronomy.

eat meat locally, but to require that the tithe, firstfruits, votives, and other offerings be offered and/or consumed at the central sanctuary (Deut 12:15-19).[100] Despite this attempted solution, informal economies eventually arose to cause continued difficulty with the tithe.

The economic problem which arose after the initial local slaughter law (Deut 12:15-16), may have been that people were consuming local slaughter meat, but were not bringing the tithe all the way to the central sanctuary. Assuming that the local slaughter law belongs to *Urdeuteronomium*, it would have been reasonable for the Israelites to experience difficulty bringing their tithes to the central sanctuary, since in the Iron I-IIA travel would have been exacerbated by underdeveloped infrastructure (i.e., roads and travel security). If the Israelites could not travel to the central sanctuary reasonably easily and securely, they would probably not go at all. It would not have been worth the risk. Additionally, because of the local kinship bonds that were developed via local reciprocal economies in the Iron I-IA, rural Israelites may have considered it problematic to bring the tithe to the central sanctuary to feed the priests and Levites, while the local *personae miserae* were lacking basic subsistence. It is also possible that an increased concern for the *personae miserae* developed as the volatile Iron IIB-C economy led to increased exploitation of lay Israelites and created higher numbers of *personae miserae* throughout the land.[101]

The informal economic solution that arose for this problem may have been that the people opted to direct their tithes elsewhere, most likely to the poor (some of whom may have been excluded from the sanctuary, cf. Deut 23:2-9), rather than enduring the ardor or long-distance travel to give their tithes to a distant cultic and/or political institution outside their

[100] Levinson, *Deuteronomy and The Hermeneutics of Legal Innovation*, 23–52, esp. 33.

[101] Arnold, "Number Switching;" explains the variations of decrees in Deut 12:13-19 and 20-28 as resulting from "[scribal proclamation] performers who had freedom to build upon the ideas contained in the original proclamation." These elaborations were combined in Deut 12:13-28 when *Urdeuteronomium* was composed.

kinship network. It is also possible that the people used their tithes for other purposes, i.e., eating while in mourning, eating while unclean, or offering it to the dead (Deut 26:12-15). The cultic response intended to regulate the informal economic sector may have been to alleviate some of the burden of travelling to the central sanctuary, while also allowing the poor to receive care, by amending the original tithe law to allow for a periodic triennial tithe. This emendation was based on the conditions that the Israelites attend the annual tithe two out of three years, giving them one out of three years to celebrate and provide for the *personae miserae* locally, and that they would swear an annual oath that they had not allocated any of the tithe to the other informal economic sectors mentioned above (Deut 26:12-15). However, even with the concession of a triennial tithe, it seems that informal economies eventually arose once more in response to the economic volatility of the Iron IIB-C.

The initial economic problem may have been that people still were not bringing their tithes to the central sanctuary in all four of the six years that they were required to. Rather, since there had developed in the Iron IIB-C a robust market economy with a good infrastructure, and the opportunity to acquire diverse and exotic goods, the Israelites may have preferred to "cash out" their tithes in order to partake of the local or regional market economy, rather than travelling all the way to the central sanctuary.[102] Additionally, the inefficient but diverse household-based rural economies had shifted toward a more efficient and specialized industrial economy. Although many households may have achieved a semblance of economic diversity by producing wine or oil and selling it to the palace economy or local markets, the economic climate remained volatile for the average household.[103] An informal economic solution that arose

[102] Master, "Economy and Exchange," 86–87, describes the availability of international goods in local markets.

[103] Walton, "The Regional Economy," 67–68.

for this problem may have been that the Israelites began to sell their goods on the open market in order to alleviate their volatile subsistence economy with added diversity. The cultic response intended to regulate this informal economic sector may have been the local tithe exchange (Deut 14:24-26), which allowed the Israelites to sell their tithe goods for silver and use the silver to finance their journey to the central sanctuary and their celebration of the annual tithe, where they would be able to indulge in even greater economic diversity than was available locally, as suggested by the enticing phrase "whatever your being craves."

In short, although in-kind tithes may have been paid by Israelites as long as there was no convenient alternative, it is also possible (and perhaps more likely) that the rigors of early tithe law and underdeveloped infrastructure prompted the emergence of informal economic systems in the towns. In response to these informal systems, the cult amended earlier policies. An early example of this is the concession for local slaughter in Deut 12:20-24. However, as the economy of the Southern Levant developed throughout the Iron I into the Iron IIC, additional hindrances to tithe observance also developed, and the cycle of informal economies followed by cultic responses (e.g., the triennial tithe, the triennial tithe oath, and finally tithe exchange), continued to propagate.

I am convinced by Richter's textually-, archaeologically-, and economically-driven argument that the tithe exchange of Deut 14:24-26 reflects an economic period that was distinct from that of *Urdeuteronomium*, and that it reflects a later stratum of the text than Deut 14:22-23. I am even partial to her pre-Josianic date for *Urdeuteronomium* based on her separate examination of the name formula in Deuteronomy.[104] However, I am hesitant to accept her suggestion that the economic material of *Urdeuteronomium,* part of which she suggests must

[104] Sandra Richter, "The Place of the Name in Deuteronomy," *VT* 57.3 (2007): 342–66; Sandra Richter, *The Deuteronomistic History and the Name Theology: Lešakkēn Šemô Šām in the Bible.* (Berlin: De Gruyter, 2002).

include the annual and triennial tithe (Deut 14:22-23, 27-29; and 26:1-15), reflects the economic context of the Iron I-IIA.[105] Much of *Urdeuteronomium* may belong to this period, however, I have provided several reasons why components of local slaughter, the annual tithe, and the triennial tithe texts may instead belong to later literary strata, or at least why they may reflect economic contexts outside of the Iron I-IIA. This is not to suggest that my own proposed reconstruction is perfect. Certain aspects of it are more probable than others, and I am not opposed to the possibility that better reconstructions could be made. Regardless, what seems certain to me is that the central sanctuary was the locus for the economic system envisioned for the tithe exchange in Deut 14:24-26, and that the most likely cultic official to administer the exchange would have been the sanctuary-trained and rurally present Levite. In further support of the involvement of the rural Levite as a rural tithe administrator and scribe, I proceed to a discussion of Arad as a test case for rural tithe-like administration.

C. Arad as a Test Case for Pre- and Post-Centralization Rural Tithe Administration

I have asserted that the rural Levite may have been responsible for rural tithe administration during the triennial tithe and the later-developed annual tithe exchange. In particular, in section A, I proposed that the triennial tithe was analogous to the annual tithe as a non-cultic variant of the שלמים, and that the rural Levite was the ritual specialist who was most qualified for administering the triennial tithe based on his expertise at the central sanctuary and as an extension of his משמרת into the social sphere. In section B, I proposed that the rural Levite could have been responsible for overseeing the annual tithe exchange in towns throughout the kingdom, and that this exchange may have occurred at the decommissioned cult sites which

[105] Arnold, "Number Switching," suggests that the 2ms forms throughout Deuteronomy, e.g., Deut 14:22-29 reflect *Urdeuteronomium* (Deut 12–26). Cf. Samuel, *Von Priestern zum Patriarchen*, 366, who affirms the *Urdeuteronomic* status of Deut 14:27.

remained in non-cultic operation as the locations of triennial tithe storage and administration. I followed Sandra Richter's assessment of the tithe exchange, which places Levitical oversight of the annual tithe exchange in the Iron IIB-C. However, based either on Richter's assessment of *Urdeuteronomium*, which she dates to Iron I-IIA, or based on my proposed modified chronology, the rural Levite's administration of the triennial tithe probably preceded the tithe exchange, beginning in the Iron I-IIB. My proposed chronology also places the concessions to local slaughter before the triennial tithe, so that Levitical tithe administration could be seen as having developed somewhat out of their earlier (or else contemporary) responsibilities over local slaughter, which I will discuss in chapter five.

Acknowledging the varying degrees of speculation inherent to the above argument, the historical development of the timeline of the rural Levites may have begun with their administration of rural cult sites, the decommissioning of these cult sites, a functional transition from exclusively cultic service to rural secular or semi-cultic analogs to cultic service that may have initially included ritual administration of local slaughter (see chapter five), and/then the triennial tithe in the Iron I-IIB, followed by administration of the rural tithe exchange in Iron IIB-C. Although speculative, this reconstruction has been based on socio-economic criticism of Deuteronomy's tithe texts. Besides these economic factors, an additional point of support may be found in an analysis of the economy and administration of Arad. Although unique in its own right, many aspects about Arad are remarkably similar to my historical reconstruction, and most notably my presentation of Levitical administration of the rural tithes.

The Iron age settlement of Tel Arad is located in the Negev (southern Judah) and was founded as a small village in the 11th c. BCE (Stratum XII), but was replaced by an Israelite (Judean) fort that guarded the southern border of Judah from the 10th c. BCE until the early 6th c.

BCE (Strata XI-VI) when it was destroyed during Nebuchadnezzar's first campaign.[106] The fort was approximately 50m^2, and arranged with storerooms in the Northeast corner, a modest courtyard on the eastern side, workshops and housing along the southern side, and a Yahwistic temple in the Northwest corner.[107] Aharoni dated the stratigraphy of the site as follows: Stratum XI (ending 920 BCE), Stratum X (ending 850/800 BCE), Stratum IX (ending 734 BCE), Stratum VIII (ending 701 BCE), Stratum VII (ending 609 BCE), Stratum VI (ending 598/95 BCE).[108] These stratigraphic layers are well-defined, typically due to the destruction of several strata by conflagration, which allowed a number of valuable artifacts to be preserved.[109] However, more recently Ze'ev Herzog has reassessed the stratigraphy of the site, with notable emendations to Stratum XI (9th c.), Stratum X (early 8th c.), Stratum IX (mid 8th c.), and Stratum VIII (late 8th c.).[110]

The most significant find has often been regarded as the Yahwistic temple and its accoutrements, which was in operation from Strata X through IX, and was fully decommissioned before Stratum VIII.[111] As important as this temple has been for interpretation of Hezekiah's and

[106] Yohanan Aharoni, "Arad: Its Inscriptions and Temple," *BA* 31 (1968): 4–5. The site was also occupied in the post-exilic period through the 1st c. CE, and eventually housed medieval tombs, but none of these later periods will be considered in the present discussion. Neither does the present discussion consider the Chalcolithic to EB site. For a brief synopsis of the EB settlement see (Aharoni, 2-4).

[107] Aharoni, "Arad: Its Inscriptions and Temple," 7–8. This layout was retained throughout strata XI-VI.

[108] Yohanan Aharoni, *Arad Inscriptions* (Jerusalem: Israel Exploration Society, 1981), 130.

[109] Aharoni, "Arad: Its Inscriptions and Temple," 8–9.

[110] Ze'ev Herzog, "The Date of the Temple at Arad: Reassessment of the Stratigraphy and the Implications for the History of Religion in Judah," in *Studies in the Archaeology of the Iron Age in Israel and Jordan*, ed. Amihay Mazar and Ginny Mathias, JSOTSup 331 (Sheffield, England: Sheffield Academic, 2001), 170.

[111] For discussions of the Arad temple and its varied interpretation see Aharoni, "Arad: Its Inscriptions and Temple," 18–32; Nadav Na'aman, "The Debated Historicity of Hezekiah's Reform in the Light of Historical and Archaeological Research," *ZAW* 107 (1995): 179–95; Herzog, "The Date of the Temple at Arad: Reassessment of the Stratigraphy and the Implications for the History of Religion in Judah." Lisbeth S. Fried, "The High Places (BĀMÔT) and the Reforms of Hezekiah and Josiah: An Archaeological Investigation," *JAOS* 122 (2002): 437–65, esp. 446, 450, follows Herzog, but disagrees with his interpretation of the Hezekian dismantling of the temple at the end of Stratum IX, which she suggests may correlate better with preparations for Sennacherib III's campaign in Judah. Likewise, Diana Edelman, "Hezekiah's Alleged Cultic Centralization," *JSOT* 32 (2008): 395–434, esp. 411, 417-18, 424-26, affirms the temple's dismantling due to preparations for Sennacherib III, and adds that the site may have experienced Neo-Assyrian occupation in Stratum VIII (417-18). The suggestions of Fried and Edelman are a necessary counterpoint to what may have been a degree of parallelomania about the Arad temple and Hezekiah's

Josiah's centralization efforts, the present study will focus more upon the secondary use of the temple in Strata VII and VI. Also notable are the approximately 200 ostraca, half of which were written in Hebrew and date to our period.[112] These ostraca vary somewhat in contents, but generally record the redistribution of agricultural resources via the fort, reflecting a royal and cultic economic system akin to the *lmlk* system.[113] The most important of these for the present study belong to the archive of Eliashib (Stratum VI), an important administrator of the cult and storerooms.[114] Finally, a number of seals (Stratum VII) that also belonged to Eliashib were found in an archival room, which attests to the system of Judean royal administration in the 8th–7th c. BCE and demonstrate the continuity of Eliashib's service over two strata and probably 20-30 years of service.[115]

The ostraca and seals from Strata VII and VI were found in the context of archival rooms in the temple and storerooms. Especially noteworthy are the centrality of the temple and storerooms to the fort's function (occupying approximately 1/3 of the internal area), and the way in which the temple and storeroom spaces were utilized over time. The centrality of these areas of the fort is evident in their immediate proximity to each other, and in the orientation of the fort's gate(s) to facilitate immediate access to the temple and storerooms.[116] The temple was fully operational from Stratum X, featuring a holy of holies, a sanctuary, and a courtyard, with

reforms. However, the temple being dismantled in preparations for Sennacherib's invasion is not incongruent with Hezekiah's reforms. Whether the reforms motivated cultic centralization or were associated with it *ex eventu* is difficult to determine, and I am not convinced that an *ex eventu* association of reforms with centralization is as problematic as it may seem. Additionally, what is important for the present discussion is that the Yahwistic function of the Stratum X-IX temple remains the dominant interpretation.

[112] Aharoni, "Arad: Its Inscriptions and Temple," 9–10.

[113] Walton, "The Regional Economy," 125.

[114] Aharoni, "Arad: Its Inscriptions and Temple," 13–14.

[115] Aharoni, "Arad: Its Inscriptions and Temple," 15–16.

[116] Aharoni, "Arad: Its Inscriptions and Temple," 8. The gate originally opened into the courtyard on the east side, from which the temple and storerooms were easily accessed, but was moved to the north side in Stratum IX, making these facilities even more directly accessible.

benches for cultic offerings and vessels, and an altar for burnt offerings (built according to the standards of Exod 20:24-25).[117] The temple layout was renovated slightly in Stratum IX, but the more significant changes came later.[118] Although Aharoni interpreted the dismantling of the temple in two stages, Herzog has suggested that it occurred only in one stage at the end of Stratum IX.[119] Nevertheless, despite the lack of a functioning temple in Strata VII and VI, the presence of Eliashib's inventories, which list items and their quantity and/or measure, and the seals found in the vicinity of the temple in Stratum VII attest to the site's ongoing semi-cultic function.[120] Eliashib's archives from this period attest to the continued use of former temple space (and the newly constructed storerooms in that space) for cultically-related activities, which supports my suggestion above that the decommissioned rural cult sites out of which the Levites had operated were probably not fully dismantled, but could have been repurposed for local storage of the triennial tithe, and facilitated the local exchange of tithes for silver.[121]

Seventeen ostraca were discovered in the Stratum VI archive room. They instruct Eliashib to provide specific quantities and qualities of rations to certain people (e.g., the *ktym*, "Kittim," and נתנים, "Nethinim"), and were retained as receipts of the transaction.[122] Ostracon 5 is of particular importance because it suggests that Arad "remained the center for the collection of tithes even after its own sanctuary ceased to function."[123] This is relevant to the present

[117] Aharoni, "Arad: Its Inscriptions and Temple," 18–19.

[118] Aharoni, "Arad: Its Inscriptions and Temple," 23.

[119] Aharoni, "Arad: Its Inscriptions and Temple," 26; cf. Herzog, "The Date of the Temple at Arad," 164.

[120] Arad 33 and 34. Aharoni, *Arad Inscriptions*, 64.

[121] Aharoni, *Arad Inscriptions*, 149; J. Andrew Dearman, "My Servants the Scribes: Composition and Context in Jeremiah 36," *JBL* 109 (1990): 411, observes that the scribal archives at Arad compare to the Biblical לשכה where scrolls were read (Jer 36:10, 12).

[122] Aharoni, "Arad: Its Inscriptions and Temple," 13–14; cf. Arad 1; 2; 4; 5; 7; 8; 18. The *ktym* were probably Greek mercenaries hired to serve Judah. On the Nethinim, see Ezra 7:24; 8:17; compare to Num 3:9, which identifies the Levites as נתונם.

[123] Aharoni, *Arad Inscriptions*, 143.

discussion in two ways. First, the provisioning of non-Israelites with resources from a royal/cultic storehouse is similar to the provisioning of the non-Israelite גרים with the triennial tithe, some of whom could have been *ktym* (Deut 14:28-29).[124] Second, the notations of qualities of goods, i.e., first flour, in ostracon 5 relates to the differentiation of tithed goods by quality (Num 18:30).[125] I suggested above that this differentiation might have extended to the triennial tithe, with the best 10% of goods allocated to rural Levites and the remaining 90% allocated to the widow, orphan, and גר, which seems to be substantiated by the differentiation at Arad. Even more significant is that this particular Arad letter references the tithe.

In light of the longevity of the temple and storerooms at Arad, not to mention Eliashib's extended career, and the identification of scribalism in the HB as a hereditary vocation, we could infer that Eliashib may have been the last in a family of cultic officials to perform scribal roles at the Arad temple.[126] Additionally, we might infer based on the cultic function of hereditary scribes belonging to the lines of Meshullam and Mahseiah in the HB (i.e., reading, preserving, and interpreting God's word, including Torah and prophecy), that Eliashib and/or his family may have been responsible for more cultic tasks at Arad than just storeroom administration. It is also possible that Eliashib was one of a few ritual specialists at Arad, and not necessarily responsible for priestly altar service.

[124] However, the provisioning of the *ktym* seems to be a form of payment for services rendered (or rations), rather than the charity which seems to be extended to the גר in Deuteronomy.

[125] Aharoni, *Arad Inscriptions*, 144, suggests that "first" and "second" flour refers to the stages of flour milling. The rougher flour was milled once, whereas the finer flour was milled a second time; cf. Borowski, *Daily Life*, 66.

[126] On hereditary scribalism see the five generations of Meshullam (2 Kgs 22:3, 12, 14; 25:22-25; 2 Chron 34:8; Jer 26:24; 29:3; 36:10-11; 39:11, 14; 40:5-9, 11-16; 41:1-6) and the three known generations of Mahseiah (Jer 32:12; 36:4; 51:49). Cf. Dearman, "My Servants the Scribes," 410–11. Admittedly, this is speculative, since we have no explicit record of other members from Eliashib's family serving at Arad.

Two additional observations are noteworthy. First, it is intriguing that Aharoni himself saw similar connections between Eliashib and the Levites, stating, "[t]he connection between the clerks at Arad and the Temple reminds us of the biblical verse [1 Chron 26:30, 32] concerning the Levite administration."[127] Second, in chapter two I suggested that centralization may have been at least partially intended to create a unified presentation of Israel's cosmic geography. Rather than having multiple Yahwistic cult sites (i.e., mini-cosmic mountains) dotting the landscape of Israel like the rest of the ancient Near East, centralization created a single cosmic mountain. This is further supported by the discovery of a stone seal in Arad's Stratum IX, the impression of which (right) depicts the storehouses (top right), the courtyard (right center), the dwellings and workshops (bottom), and the temple (top left). Besides being a truly unique artifact, the depiction of the temple featuring a "high, rounded structure," is particularly intriguing.[128]

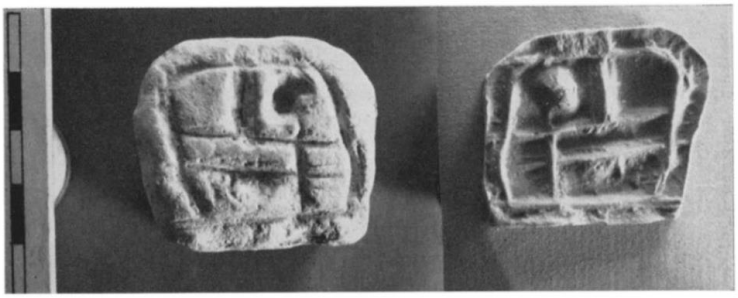

Fig. 3. From Aharoni, "Arad: Its Inscriptions and Temple," 9

Aharoni only inquires of this feature, "[h]ad the temple really a rounded roof, or is this only an artistic expression of its outstanding importance?"[129] What Aharoni can only conjecture, I assert with greater confidence in light of the cosmic geography of ancient Israel before

[127] Aharoni, *Arad Inscriptions*, 149.
[128] Aharoni, "Arad: Its Inscriptions and Temple," 8.
[129] Aharoni, "Arad: Its Inscriptions and Temple," 8.

centralization.[130] This is not a rounded roof, but rather it is a cone meant to depict the temple as a mini-cosmic mountain, paralleling the cosmic mountain layout of the Israelite temple and tabernacle (see chapter two). If this is tenable, then I believe this seal validates my claim that the ancient Israelites viewed their rural cult sites as mini-cosmic mountains, which were decommissioned and replaced by a single cosmic mountain under the centralization efforts of the 7th c. BCE. Although the connections between Arad and the post-centralization שׁערים are speculative, four important aspects of Arad are compelling: 1) The apparent transition in the northwest corner of the Arad fortress that shows a transition from cult site to non-cult site, 2) the apparent continuation of food storage in the northeast corner of the fortress after the dismantling of the cult site, 3) the apparent hereditary administration of the storage facility by the same family (Eliashib), suggesting a continuation of secular service after the cult had been dismantled, and 4) the apparent continuation of the storage facility's religious and political ties to Jerusalem after the dismantling of the cult site.

D. Conclusion

In light of the above interpretations of Arad, consider what is known or assumed about the שׁערים in Deuteronomy. It is assumed that the שׁערים of Israel originally had cultic sites that became decommissioned during Deuteronomy's cultic centralization efforts. It is stated that the triennial tithes were deposited in the שׁערים and intended for long-term storage and distribution to the rural Levites and the *personae miserae* (Deut 14:28-29). It is also stated that the annual tithe exchange occurred in the שׁערים (14:24-26). Both of these events were tied to the cult's economic system of redistribution and would have necessitated a storage facility and a cultic official

[130] Arad stratum IX dates from 850/800 to 734 BCE.

(ideally a ritual specialist) to oversee the tithes and the facility. I suggest that rather than being torn down during centralization, the cult sites of the שׁערים could have more easily been decommissioned and repurposed for semi-cultic administration of the triennial tithe and annual tithe exchange, just as we observe at Arad. Likewise, we see in Eliashib a transition from cultic tasks to their social analogs, just as I have proposed the roles of the rural Levites expanded from the cultic sphere into the social sphere as extensions of their משׁמרת. There were only two major differences between Arad and the שׁערים, and between the rural Levites and Eliashib. First, whereas Arad was a military fortress that was established and operated by the royal administration, covenant communities were not established by the palace. However, both Arad and covenant communities received support from the palace/temple treasury via the allocation of the triennial tithe to the שׁערים instead of the temple, and via the annual tithe exchange. Nevertheless, we should expect that the connection between Arad and Jerusalem's royal and cultic administration were stronger (and more ideal) than might have existed between the average שׁער and Jerusalem.[131] Second, whereas I have suggested that the Levites were responsible for a host of administrative duties in the שׁערים, Eliashib at Arad is never explicitly called a Levite. However, that Eliashib was supplied by the Jerusalem temple (like a Levite was supplied by the tithe) and had a priestly heredity, suggest that he may have been a Levite.

[131] This observation was fostered by discussion with my colleague, Brad Haggard, who is presently a PhD student at Asbury Theological Seminary in Wilmore, KY, and who generously allowed me to read a paper he had written on this subject. In relation to the level of connection between a שׁער and Jerusalem, we might also expect varying degrees of connections, depending on whether or not the שׁער was an administrative or industrial center, like e.g., Lachish, Hebron, Socoh, Ziph, *mmšt*, Jerusalem, Ramat Raḥel, Mizpah, and Gibeon.

II. שׁוטרים and Levites in Deuteronomy

Besides rural administration of the annual and triennial tithes, there were several other local scribal roles to be performed. One of these was the role of שׁוטרים. This term is a substantive participle from the root שׁטר, "to write." The cognate terms in Akkadian (*šaṭāru*), Aramaic (*šṭr* and *šəṭār*), Arabic (*saṭara*), and Syriac (*šəṭārā*) all support the inference that the שׁוטרים were scribes.[132] However, the use of שׁוטרים with the more frequent BH term for scribe, ספר (2 Chron 26:11; 34:13), and the distribution of שׁוטרים in primarily military,[133] judicial (Deut 16:18), and general administrative contexts suggest that the שׁוטרים were not general scribes, but that they performed more specialized and nuanced roles.[134] Schunck suggests that a שׁוטר would have been, "a lower official or appointee whose tasks might include various spheres and thus vary in nature."[135] Schunck also suggests that the general distribution of שׁטר indicates that any

[132] Paul V. Mankowski, *Akkadian Loanwords in Biblical Hebrew*, HSS 47 (Winona Lake, IN: Eisenbrauns, 2000), 142–44. Köhler, *HALOT*, 1476; Schunck, "שׁטר," in *TDOT*, ed. G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, vol. 14 of (Grand Rapids: Eerdmans, 2004), 606; Schunck, G. Johannes Botterweck, and Helmer Ringgren, "שׁטר," in *TWzAT*, vol. 7 of (Berlin: W. Kohlhammer Stuttgart, 1993), 1256–58. The article on שׁטר in TWzAT is also written by Schunck and contains an identical analysis.

[133] Deut 1:15; 20:5, 8, 9; Josh 1:10; 3:2.

[134] Deut 29:9; 31:28; Josh 8:33; 23:2; 24:1. Schunck, "שׁטר": 607. Alexander Rofé, "The Organization of the Judiciary in Deuteronomy (Deut 16:18-20; 17:8-13; 19:15; 21:22-23; 24:16; 25:1-3)," in *The World of the Arameans: Studies in Honour of Paul-Eugène Dion*, ed. P. M. Michèle Daviau et al., vol. 1, JSOTSup 324 (Sheffield: Sheffield Academic, 2001), 96–98, also identifies the שׁוטרים as judicial scribes, though he regards the combination of שׁפטים ושׁוטרים as a hendiadys referring to a single judicial figure who was proficient in and responsible for both roles. Moshe Weinfeld, "Judge and Officer," 84–86, interprets שׁוטרים as "a comprehensive term which includes all the subordinate [judicial] personnel," i.e., they were judicial secretaries. Although I agree that the שׁוטרים were scribes functioning in judicial contexts, I disagree with Rofé and Weinfeld about the precise nature and status of their service, based on the structural parallelism and analogy between Deut 17:8-13 and 2 Chron 19:8-11, which I will discuss below.

[135] Schunck, "שׁטר," 607.

connection between the שׁוטרים and the cult was indirect. They could be Levites, but they did not have to be. Although Schunck's view initially appears applicable to the שׁוטרים in Deuteronomy, we have reason to investigate further the possible function of rural Levites as שׁוטרים in Deuteronomy.

Mark Leuchter has further examined the scribal role of the שׁוטרים and suggested that they were rural Levites serving in the local judicial system. He avers that since the local judicial system occurred in the שׁערים, since only שׁפטים ושׁוטרים "with an advanced scribal and juridical background are allowed to engage, interpret, and apply the law on the regional level, as this would have been beyond the skill of the typical Israelite,"[136] and since the priesthoods served as the locus of ancient Near Eastern literacy, the rural Levites' cultic experience made them the most likely rural officials to serve in the specialization of שׁוטרים.[137] Additionally, just as I suggested in chapter two that the rural Levites were propagators of central cultic ideology among the rural lay Israelites,[138] Leuchter has asserted that the use of rural Levites as שׁוטרים would have "benefit[ted] the monolithic interests of the state," because of their intermediary role between the central sanctuary and rural שׁערים.[139] Leuchter also argues for the judicial role of the

[136] Leuchter, "The Levite in Your Gates," 421. Cf. Morrow, *Biblical Law*, 233–34.

[137] Leuchter, "The Levite in Your Gates," 419–21. Leuchter's study precedes Frese's ("A Land of Gates" and "Civic Forum"), so he does not consider the possibility that שׁערים in Deuteronomy refer to the covenant communities, rather than the literal gates. However, Frese's assessment does not preclude the rural Levites from performing tasks in the literal שׁערים, it simply suggests that they were not restricted to performing roles typically located in the literal שׁערים. In other words, Frese's assessment can include Leuchter's without conflict.

[138] My assertion was based on Catherine Bell's assessment of central vs. local ideologies (Bell, *Ritual Theory*, 185–86.

[139] Leuchter, "The Levite in Your Gates," 421.

Levites by comparing Deuteronomy's standard list of *personae miserae* (Levite, widow, orphan, and גר, e.g., Deut 14:29) with Deut 24:17 which advocates justice for the widow, orphan, and גר, but conspicuously leaves out the Levite. He suggests that the exclusion of the Levite here is due to his function as שׁוטר, i.e., as the "you" whom Deut 24:17 exhorts.[140] Leuchter also identifies parallels between the local and central levels for priests and scribes in rules for warfare (Deut 20:1-9) and the central priests and rural Levites in the cult (Deut 18:1-8). In other words, the military hierarchy's binary pair שׁוטרים:כהנים parallels the judicial hierarchy's binary pair כהנים:לוים.[141]

In summary, just as I have asserted in chapter three and section one of the present chapter above that Deuteronomy extended the משׁמרת of the Levites into the non-cultic שׁערים, Leuchter identifies the שׁוטרים as "the local Levitical priests of the pre-Deuteronomic era, [who were] regional fixtures divested of cultic authority but granted executive and juridical duties paralleling their confreres serving at the central sanctuary in Jerusalem."[142] He adds "[t]he Levites' new role is no longer cultic, but it is still sacral. Ministering to YHWH and securing divine blessing now take place through administering the law."[143] Further, Leuchter suggests that inklings of judicial Levitical service can be found in their earlier cultic service. Two examples should suffice. First, the Levites would have originally handled judicial matters through consultation of legal tradition, recording decrees, and/or divining additional rulings via Urim and Thummim, all while

[140] Leuchter, "The Levite in Your Gates," 423. Compare Deut 24:17 to 16:19 where the phrase "you shall not turn aside justice" is also applied to the שׁפטים ושׁוטרים.

[141] Leuchter, "The Levite in Your Gates," 423–24.

[142] Leuchter, "The Levite in Your Gates," 423.

[143] Leuchter, "The Levite in Your Gates," 425.

preserving the judicial-cultic records (cf. Deut 31:25-26).[144] The Levites also mediated the stipulations of the covenant at Ebal and Gerizim as ritual oath/curse specialists (Deuteronomy 27).[145] Finally, Leuchter draws parallels between the legislative system in Deuteronomy, i.e., the administration of central policy in the שׁערים, and Neo-Assyrian administration of vassal states in relation to the central government.[146] He even connects the transition of rural Levitical שׁוטרים to Josiah's centralization of rural priests (2 Kgs 23:9; cf. Jeremiah 30-31).[147] So, in Deuteronomy, the שׁוטרים seem to have operated primarily within the military (Deut 1:9-15, 20:1-9, 29:9-12). However, once Israel had settled the land, they appointed the שׁוטרים to civil roles alongside the local judges at the city gates (16:18-20).[148] Leuchter's assessment may be enhanced when we further consider the analogical relationship between the priests and judges centrally and between שׁוטרים and judges locally. If central Levitical priests were paired with central judges, and local judges were paired with an under-defined group known as שׁוטרים, then these officers may have also been cultic personnel functioning locally, i.e., rural Levites. This is strengthened by reference to Chronicles.

[144] Leuchter, "The Levite in Your Gates," 425. Leuchter connects this practice to Samuel's deposit of the law code before YHWH at Mizpah (1 Sam 10:25).

[145] Leuchter, "The Levite in Your Gates," 426. Cf. Sandra Richter, "The Archaeology of Mount Ebal and Mount Gerizim and Why It Matters," in *Sepher Torath Mosheh: Studies in the Composition and Interpretation of Deuteronomy*, ed. Daniel I Block and Richard L Schultz (Peabody, MA: Hendrickson, 2017), 324.

[146] Leuchter, "The Levite in Your Gates," 425–28.

[147] Leuchter, "The Levite in Your Gates," 428–32.

[148] The role of the שׁוטרים in Deut 29:9-12 and 31:24-29 is unclear. In the former, they appear in a hierarchically descending list of status and appear below elders, but above the lay Israelite males. In the latter, they appear with the elders to hear the covenant from the ark-carrying Levitical priests. Given their alignment in the social hierarchy, Deut 29:9-12 and 31:24-29 more likely describe the local שׁוטרים, rather than the military officers. In his defense of Levitical authorship of Deuteronomy, Von Rad, *Studies in Deuteronomy*, 66–67, suggests that the mix of priestly and military interests in the book could be explained by rural Levitical authorship, since the rural Levites are connected to the military via Deut 20.

In 1 and 2 Chronicles, the שׁוטרים also had a military connection (1 Chron 27:1; 2 Chron 26:11), were also often paired with judges (1 Chron 23:4; 2 Chron 19:11), and were identified frequently as Levites (1 Chron 23:4, 26:29; 2 Chron 19:11; 34:13). Especially compelling are the similarities between Deut 17:8-13 and 2 Chron 19:8-11, so that the latter seems to be an explanation or recontextualization of the former.[149] Deuteronomy 17:8-13 merely specifies that there was a "high court" in which central tier judges and Levitical priests served. However, 2 Chron 19:8-11 suggests that in Jerusalem a similar system was established, including capital city Levites and priests who were paired (לפניכם) with capital city judges to resolve disputes (19:8-10). These city judges and Levites were functionally analogous to the local judges and שׁוטרים in Deuteronomy. Second Chronicles 19:11 also describes a high court at which the Chief Priest presided over matters relating to YHWH, and a kind of "Chief Justice," the ruler of the house of Judah, presided over matters relating to the king (i.e., non-cultic matters).

While it is certainly possible that the 2 Chronicles text is a later anachronistic elaboration of the Deuteronomy text, which features Leviticalization of previously non-Levitical roles, the overlap of key points is compelling.[150] Both texts have lower judges paired with שׁוטרים, both have a high court presided over by a central Levitical priest and judge, and both suggest that these figures performed essentially identical roles in their respective specializations. The only significant differences are that the 2 Chronicles texts suggest that the שׁוטרים were Levites, and that the central priest and judge were intended to provide a cultic and socio-political balance to justice. The key to the parallelism between the two texts is the pairing of officials responsible for

[149] See also Deut 19:15-21.

[150] Schunck, "שׁטר," 608; Kim, *Temple Administration*, 162–71.

both the cultic and civil sides of Israelite justice, and the analogy between these pairs at different levels of the social hierarchy. At the top of the hierarchy was the pairing of judges and priests. This was analogous to the pairing of judges and שׁוטרים at the local level. If the שׁוטרים were rural Levites, this would fulfill a need at the rural level for a semi-cultic legal official. Also, given that the rural Levites were the only local figures with clear cultic expertise, military experience, and scribal training, it is reasonable to conclude once more that the local שׁוטרים in Deuteronomy were also rural Levites.[151] Additionally, since Levites performed many roles in Chronicles, one of which was as a שׁוטר, it is reasonable to infer that שׁוטר was merely one of many potential roles performed by the rural Levite. This does not mean that the role of שׁוטרים in other contexts could not have been performed by non-Levites, but Deuteronomy seems to hint that this role was primarily or exclusively Levitical. In short, it is possible that the שׁוטרים in Deuteronomy were a Levitical sub-class that performed a variety of scribal and ritual elements within judicial contexts. Specifically, they may have administered rural versions of ritual ordeals and/or judicial oaths, which I will now discuss.

III. Oversight of Rural Oaths and Vows

Besides overseeing local tithes or functioning as שׁוטרים in conjunction with the local judges, it was likely that rural Levites would have also been needed for recording and/or

[151] On the military experience of Levites, see Milgrom, *Studies*, 21–22, where he suggests that the category of משׁמרת "guard duty," fulfilled as one of the foundational roles of the Levites, was a military category, since the Levites prevented the enemies from slaying all Israel via an outburst of God's wrath. Additionally, if the Levites held a significant place in overseeing the local economy as I asserted in section one above, it is also possible that the martial origins of Levitical שׁוטרים may extended in Deuteronomy to include their stocking of cities with siege provisions.

witnessing oaths and vows taken in the local sphere.[152] Oaths and vows were central tenets of the ancient economy across the entire socio-cultic spectrum. Oaths and vows are similar, but distinct types of declarations. At the most basic conceptual level, both vows and oaths were based on a promissory statement that the supplicant would or would not do something.[153] Oaths were promises made to people or to deities, in legal, economic, or cultic contexts, which were meant to validate a person's claim as true, and which included a statement of self-imprecation if the supplicant should fail to fulfill their promise.[154] Vows were similar, except that they functioned as conditional promises to a deity (often as prayer), i.e., to give a gift or service to the deity in exchange for the deity's response; and the fulfillment of a vow by the supplicant was dependent on the deity fulfilling the supplicant's request.[155] If the request remained unfulfilled, the supplicant would not be required to fulfill the vow. Cartledge distinguishes the processes of oaths and vows:

> "While an oath begins with *human* action (or inaction) and moves from there to God's potential response, a vow begins with a plea for *divine* action, followed by a conditional promise of the worshiper's response. An oath consists of a promise which is then reinforced by a curse, but in a vow the promise serves to strengthen an earlier *petition* to the deity: the one praying asks some favor of God and promises some gift or service in return."[156]

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[152] On the function of gates as locations for judicial activities, see May, "Gates and Their Functions," 95–100.

[153] Tony Cartledge, *Vows in the Hebrew Bible and the Ancient Near East*, JSOT Sup 147 (Sheffield: Sheffield Academic Press, 1992), 14.

[154] Cartledge, *Vows*, 15; Yael Ziegler, *Promises to Keep: The Oath in Biblical Narrative*, vol. 120 of *VTSup* (Leiden: Brill, 2008), 3; Henry Gehman, "The Oath in the Old Testament: Its Vocabulary, Idiom, and Syntax," in *Grace upon Grace: Essays in Honor of Lester J. Kuyper*, ed. James I. Cook (Grand Rapids: Eerdmans, 1975), 55.

[155] Cartledge, *Vows*, 13–16. On the debate over the conditional nature of vows, see Cartledge pp. 17-25.

[156] Cartledge, *Vows*, 16–17. Original emphasis.

So, both an oath and a vow functioned as an agreement between one party and another, both could be initiated voluntarily but were upheld or fulfilled unconditionally, and both involved the invocation of the deity against the promiser if they reneged or perjured themselves. However, whereas the fulfillment of an oath was unconditional and operated in human to human interactions, or possibly as the "promissory part of a conditional vow,"[157] the vow operated in human to divine interactions, i.e., petitionary prayer, and was fulfilled only if the deity fulfilled the supplicant's request.

Although some oaths and vows occurred within the cultic sphere, oaths were also part and parcel of routine business contracts, whether between nations or members of the general population, and vows could be initiated anywhere at any time.[158] So, oaths would have likely been taken, and vows would have been initiated, in the local towns. One may immediately object to this assertion on two separate points. First, as an explicit statute within the centralization mandate, Deuteronomy 12:6, 11, 26 clearly instructs Israelites to bring all votive offerings to the central sanctuary. I do not contest this point. However, I will demonstrate below that the votive offering was only one stage in the vow process, namely, the fulfillment stage of a vow. Other parts of the vow process, e.g., its initiation and recording, were not regulated by the centralization mandate of Deuteronomy 12, and could have legally occurred in the votary's home town. Second, the observant exegete of Deuteronomy may notice that whereas geographically-based concessions are made for the Israelite surrounding the annual tithe (i.e., Deut 14:24-25, which allows the Israelite to exchange the tithed goods for silver in their town rather than trudge all of the goods to the central sanctuary), no such concession is granted for oaths or vows to be

[157] Cartledge, *Vows*, 25.

[158] Jacques Berlinerblau, *The Vow and the "Popular Religious Groups" of Ancient Israel: A Philological and Sociological Inquiry*, JSOTSup 210 (Sheffield: Sheffield Academic Press, 1996), 79.

made locally. Although I believe that the spirit of Deut 14:24-25 could extend implicitly to oaths and vows made for local business transactions since business would have ground to a halt if all transactions had to be brought to the central sanctuary, I will demonstrate below that oaths and certain portions of vows were not under the centralization mandate, and therefore did not require any concession. Finally, I will assert that the rural Levites were responsible for overseeing local oaths and vows, most likely as scribes, but perhaps also as witnesses, both of which were requisite components of the vow and oath processes. Although oaths and vows did not need to occur in the cultic sphere (except for vow fulfillment), their invocation of God would have meant that they were at least tied to the sacred, although occurring primarily in the social sphere (similar to the triennial tithe, cf. Deut 14:28-29).[159] As ritual specialists whose expertise included scribal training, the rural Levites were ideally suited to administer these rites in the towns.

A. Oaths

Following the brief definition of oaths above, in this section I will elaborate on the details of the oath process. I begin with a discussion of how they were made and who was involved in the process. Then, I will proceed to a discussion of where, when, and why oaths would have been made. The terminology used for oaths and oath swearing varied significantly in ancient Near Eastern cultures.[160] The HB uniquely uses the nominal form שְׁבוּעָה/שְׁבֻעָה and the verbal root שׁבע for "oath" and "to swear (an oath)," respectively.[161] Ludwig Koehler et al. suggest "in many cases *šb'* N simply means a solemn, irrevocable promise, whatever circumstances may arise, to

[159] Ziegler, *Promises to Keep*, 38–47, debates whether God was always invoked in Israelite oaths and whether God's role was as witness or guarantor, or something else. She also notes that many oaths in the HB occur either in cultic contexts or with sacred objects.

[160] Köhler, *HALOT*, 1396. Aramaic *ym'*, Akkadian *tamû*, Assyrian *tamā'u(m)* and *zakāru(m)*, but not attested in Ugaritic.

[161] The nominal form occurs 472 times. The verbal form occurs primarily in the niphal and hiphil binyanim 154 times and 31 times, respectively.

undertake to do something, or not to do it."[162] The nominal and verbal forms appear separately more often than together, which suggests that the use of the nominal form should often be translated "(to swear) an oath," with the verb implied, and the use of the verbal form should often be translated "to swear (an oath)," with the noun implied.[163] However, an oath may also be written in the HB without using either שׁבע or שׁבעה.[164] The swearing of the oath has two elements, a promissory statement and a self-imprecatory statement, either of which may be abbreviated.[165] The promissory statement may be introduced by אם (with or without לא), and the curse may be introduced by (יהוה) חי or כה יאשׁה. However, since these formulaic elements rarely appear with שׁבע, it seems that oath swearing in the HB often expected the audience to infer the missing formulaic elements from common knowledge.[166]

Oaths could be made in a variety of contexts, i.e., cultic, legal, or commercial, by a variety of people, i.e., lay people, leaders, or even entire nations.[167] Four groups were typically involved in any type of oath, whether legal or commercial: the oath-swearer(s), one or more

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[162] Köhler, *HALOT*, 1397.

[163] The nominal and verbal forms appear together only 12 times: Gen 26:3; Lev 5:4; Num 5:31; 30:3; Deut 7:8; Josh 2:17, 20; 9:20; Jer 11:5; Ezek 21:28; Ecc 9:2; 2 Chron 15:15.

[164] E.g., 1 Kgs 19:2 ותשלח איזבל מלאך אל־אליהו לאמר כה־יעשׂון אלהים וכה יוספון כי־כעת מחר אשׂים את־נפשׁך כנפשׁ אחד מהם, "Jezebel sent a messenger to Elijah (saying) 'Thus may the gods do and thus even more if at this time tomorrow I do not make your life like the life of one of them.'"

[165] E.g., 1 Kgs 2:23; 20:10. Gehman, "The Oath in the Old Testament," 55. suggests that the phrase "thus may God(s) do to me and even more" was an additional self-imprecation, rather than the main imprecation.

[166] Kottsieper, "שׁבע; שׁבעה," in *TDOT*, ed. G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, vol. 14 of (Grand Rapids: Eerdmans, 2004), 315.

[167] Ziegler, *Promises to Keep*, 1; Karel van der Toorn, *Sin and Sanction in Israel and Mesopotamia: A Comparative Study*, SSN 22 (Assen, Netherlands: Van Gorcum, 1985), 46; Kenton L Sparks, *Ancient Texts for the Study of the Hebrew Bible: A Guide to the Background Literature* (Peabody, MA: Hendrickson, 2005), 441; Cf. James B. Pritchard and Daniel E. Fleming, eds., *The Ancient Near East: An Anthology of Texts and Pictures* (Princeton, NJ: Princeton University Press, 2011), 353–54; *COS*, 1.66-67: 165-68. Sparks notes that even in a military context Hittite soldiers swore an oath of allegiance. Deities, e.g., יהוה could also swear oaths. In fact, most uses of the verb נשׁבע in Deuteronomy refer to God as the swearer. Only Deut 6:13; 10:20 refer to Israelites swearing by God's name, and in 29:12 God swears an oath and covenant with the Israelites as partners.

deities, a scribe or שׁוטרים, and witnesses. The oath-swearer took the oath and would be cursed if they perjured themselves (in a legal context) or if they broke the terms of the contract (in a commercial context). The deities were invoked as instruments of wrath who could be relied upon to uphold the swearer's self-imprecation. Israelites were expected to swear by יהוה, אלהים, or בשׁם.[168] For our purposes, the two most important roles that require some elaboration are the roles of witnesses and scribes. Whether in legal or commercial contexts, the scribe or שׁוטרים would have been responsible for recording the important details of the case or contract, and may have even been paid for their scribal services.[169] In legal contexts, witnesses could swear their own oaths when providing testimony in a case.[170] This practice was probably also part of Israelite legal cases, though the HB expands upon this precaution by requiring a certain number of witnesses to validate or invalidate a claim.[171] In commercial contexts, witnesses were used to provide accountability to the parties involved in the event that one party might violate the terms of the agreement.[172] Although deities were often invoked as witnesses to oaths, human witnesses could also be used with or without the mention of a deity.[173]

[168] Gehman, "The Oath in the Old Testament," 53.

[169] van der Toorn, *Sin and Sanction*, 48. See also Harald Samuel, "Levi, the Levites, and the Law," in *Rewriting and Interpreting the Hebrew Bible: The Biblical Patriarchs in the Light of the Dead Sea Scrolls*, ed. Devorah Dimant and Reinhard Gregor Kratz, BZAW 439 (Berlin: De Gruyter, 2013); Samuel, *Von Priestern zum Patriarchen*. Samuel observes that Levites became more involved in the judiciary during the redactional history of Deuteronomy 17 and 19, which he claims was further developed in Deuteronomy 21, Ezekiel 44, and eventually in Chronicles (228). I believe this may have grown out of their role as local ritual specialists involved in legal cases.

[170] Donald Magnetti, "Oath-Functions and the Oath Process in the Civil and Criminal Law of the Ancient Near East," *Brooklyn J. Int. Law* 5 (1979): 23.

[171] Cf. Deut 17:6; 19:15; Num 35:30. Magnetti, "Oath-Functions," 25–26, notes that M Šebu. IV:3 infers oath-based witness testimony in Lev 5:1.

[172] Blane Conklin, *Oath Formulas in Biblical Hebrew*, LSAWS 5 (Winona Lake: Eisenbrauns, 2011), 17.

[173] van der Toorn, *Sin and Sanction*, 48; Kenneth Kitchen and Paul Lawrence, *Treaty, Law and Covenant in the Ancient Near East* (Wiesbaden: Harrassowitz Verlag, 2012).

Oath-taking also tended to necessitate the help of a ritual specialist to perform various rites, e.g., cultic purification, the use of symbols for the new relationship, contact with sacred objects, and/or visual representations of the boundaries of the oath.[174] Hittite military oaths of allegiance were even administered by diviners (i.e., ritual specialists) who used prescriptive texts that outlined the details of the oath and the rituals to be performed.[175] Often, after an oath was taken for commercial purposes the parties involved would share a meal that demonstrated their new relationship. Central to the meal was the slaughter of the animal, over whose blood the two parties were bound.[176] Van der Toorn suggests that this meal, at which the parties ate from the same platter and drank from the same cup, was probably identical in function to the שׁלמים offering in the HB.[177] Dennis McCarthy observes a distinction between Greek and Israelite oath-meals. Greek oath-meals emphasized the death of the animal, with which the oath-taker identified if he should fail to uphold his oath.[178] Although Israelite oath-meals functioned in a similar way, with the oath-taker identifying with the slain animal as a warning of what would happen to him if he failed to uphold his oath, McCarthy suggests that the gloomy, death-focused atmosphere of Greek oath-meals was transformed into a joyful, festal atmosphere in Israelite covenant ceremonies.[179] I would add that this dual nature of Israelite oath-meals, which celebrated new kinship and life on the one hand, and warned of potential death on the other hand,

[174] van der Toorn, *Sin and Sanction*, 50–51. Likewise, the שׁוטרים would function as a ritual specialist in legal cases (cf. Leuchter, "The Levite in Your Gates," 420–21.).

[175] Emmanuel Laroche, *Catalogue Des Textes Hittites*, Etudes et Commentaires 75 (Paris: Klincksieck, 1971).Sparks, *Ancient Texts*, 441.

[176] Dennis McCarthy, "Further Notes on the Symbolism of Blood and Sacrifice," *JBL* 92 (1973): 208.

[177] van der Toorn, *Sin and Sanction*, 51. cf. n 135, 136. This will have interesting implications for the function of the triennial tithe, as will be discussed below.

[178] McCarthy, "Further Notes," 208.

[179] McCarthy, "Further Notes," 209.

was drawn from the dual symbolism of blood as associated with both life (cf. Deut 12:23) and death.[180]

Although the association of oaths with cultic rites and paraphernalia would have been unacceptable under the centralization mandate of Deuteronomy, this does not mean that they would have been devoid of ritual significance. As mentioned above, the triennial tithe was a semi-cultic feast which included a semi-cultic parallel to the שלמים offering. The provision for local slaughter (Deut 12:15-16) will be discussed in the next chapter, but it is worth noting here that local slaughter was not without ritual elements of its own. A meal shared over the sealing of a commercial contract by oath may have been at least one of the circumstances envisioned by the concession "when…the craving of your being is to eat meat, you may eat meat, according to all the craving of your being."[181]

These are the standard processes and parties involved in ancient Near Eastern legal and commercial oaths, but not all of these were represented in documents, and not every culture represented the same elements. Gene Tucker has observed that records of ancient Near Eastern commercial transactions typically included the contract clause, date of the agreement, and names of witnesses.[182] Exceptions to the rule include Nuzi contracts, which were not dated, and the deeds held by the king of Ugarit, which had no witnesses. The inclusion of the scribe's name also seems to be variable, even within a single culture's texts. Texts from the reigns of Assurbanipal through Sin-šarru-iškun describe various types of transactions (e.g., purchases of land, objects, and people by Assyrian court officials), and they cite the names and roles of

[180] Blood symbolism will be considered further in chapter five.
[181] Deuteronomy 12:20.
[182] Gene Tucker, "Witnesses and 'Dates' in Israelite Contracts," *CBQ*, *Witnesses and "Dates"* 28 (1966): 42.

witnesses (who could be either human or divine) and often also cite the scribe as a witness.[183] Due to the dearth of written commercial contracts attested by the HB, Tucker has suggested that the HB instead attests to oral contracts. He asserts that the oral contracts of the HB retain some similarities with their textualized ancient Near Eastern counterparts with their invocation of witnesses, and their use of היום "this day" as a date formula.[184] Tucker believes that the date formula at Ugarit and in the HB originated from an era of oral contracts that preceded written contracts. While this may indeed be the origin of the date formula, the formula nevertheless appears in written documents. The use of oral elements in the HB does not mean that Israelite commerce was strictly conducted by oral contracts, without any written documentation. Rather, just as Assyrian texts indiscriminately include or omit the name of the scribe who wrote the contract, so scribes may be assumed for at least some Israelite commercial oaths.

Oaths were employed throughout the ancient Near East across the social spectrum. At the state (and/or cultic) level they were part of treaties or covenants.[185] At lower levels of the social spectrum (i.e., legal and commercial contexts), oaths were not necessarily deposited at a cultic location, but in analogy with higher-level treaties they were written down and took similar forms.[186] In legal contexts an oath functioned to validate or invalidate claims, especially when

[183] Raija Mattila, Theodore Kwasman, and Simo Parpola, eds., *Legal Transactions of the Royal Court of Nineveh*, vol. 13, SAA (Helsinki, Finland: Helsinki University Press, 1991); cf. 668-VI-19:11, 20; 668-V-27:17; 668-I-22:8.

[184] Tucker, "Witnesses and 'Dates' in Israelite Contracts," 43–45, notes the Hebrew Bible's use of a stereotyped oral formula used in legal and commercial contexts, i.e., "you are witnesses…we are witnesses," which he suggests performed a notarial function (cf. Ruth 4:9-11; 1 Sam 12:1-5; Mal 2:14; Isa 43:9-12; 44:8; Josh 24:22). Tucker cites Deut 24:1-3; Jer 3:8; 32:10; Isa 8:1-2; 50:1; and Macc 14:43 as Israelite texts that attest to witnessed documents. He compares the use of היום to the equally imprecise Ugaritic date formula *ištu ūmi annīm*, "(dating) from today."

[185] Sparks, *Ancient Texts*, 436; van der Toorn, *Sin and Sanction*, 47–49.

[186] Kottsieper, "שבע ;שׁבע," 318. van der Toorn, *Sin and Sanction*, 47–49, suggests that any non-familial relationship (e.g., commercial contracts) took the form of a covenant. This assertion is supported in Deuteronomy by the linking of oaths and covenants in 8:18 and 29:12.

evidence was lacking.[187] In Mesopotamia, legal oaths were utilized instead of or in addition to ordeals.[188] Although not always permitted, legal oaths were considered so reliable that a defendant who swore an oath of innocence in a case often won because of the seriousness with which oaths were regarded and the severity of self-imprecation.[189] The use of oaths in Israelite legal contexts is less clearly stated than in Mesopotamia. Several legal concerns and processes described in the HB are similar to those found in the ancient Near East, except that oaths seem to be implied rather than being explicitly stated or having the oath process described.[190]

Throughout Egypt and Mesopotamia oaths were also used in commercial contexts to guarantee and/or reinforce contractual agreements, e.g., commercial contracts, property ownership/deeding, or sealing loans.[191] Although oaths are extant in some texts, many ancient Near Eastern contracts took an abbreviated and stereotyped form that often left out the actual oaths.[192] Ziegler observes that typically only the curse elements are preserved in biblical oaths.[193] Further, Magnetti asserts that oath swearing was so "inextricably bound with normal contractual negotiations," that it did not need to be written in every contract; it was an implied convention.[194]

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[187] Ziegler, *Promises to Keep*, 11; van der Toorn, *Sin and Sanction*, 45–46; Gehman, "The Oath in the Old Testament," 55.

[188] van der Toorn, *Sin and Sanction*, 46; Magnetti, "Oath-Functions," 7. The "oath of clearance," was used in a variety of legal contexts to resolve property disputes, setting bail, adultery, and witchcraft.

[189] van der Toorn, *Sin and Sanction*, 46 n 73; cf. CH 30, 23; Magnetti, "Oath-Functions," 12–15; Ziegler, *Promises to Keep*, 28, adds "the oath appears to be regarded as a particularly potent form of speech and is accorded a special reverence."

[190] Magnetti, "Oath-Functions," 16–19, cites the general lawsuit (Deut 19:15-19) and the unknown murder in the countryside (Deut 21:1-10). Unless Israel were a legal anomaly, we expect that oaths were spoken in both situations. We might also expect that if Israel were an anomaly there would be an explanation for why no oath was warranted. In either case, we see that the Levites are present as ritual specialists. In the case of Deut 19:15-19, it is noteworthy that the judicial process described here involves judges and priests. I have argued in section II above that this structure was paralleled at the local level by rural judges and Levitical שׁוטרים. A Levitical presence in Deut 19 suggests that they may have been involved as scribes and/or witnesses of legal oaths. In other words, the rural Levite may have functioned as a legal notary or as a rural juror.

[191] Ziegler, *Promises to Keep*, 11–12, 30; van der Toorn, *Sin and Sanction*, 46, 48.

[192] Magnetti, "Oath-Functions," 26–27.

[193] Ziegler, *Promises to Keep*, 37.

[194] Magnetti, "Oath-Functions," 26.

As with legal oaths, the HB provides little information about commercial oaths, except for the mention of witnesses who would have typically been involved in the oath-making process.[195] Magnetti takes a somewhat agnostic approach to the use of oaths in Israelite commerce, stating "[w]here contracts were made in a sphere in which the actions of men were controlling, the belief may have existed that divine sanctions were not required."[196] However, Magnetti fails to consider the fact that oaths and witnesses were used in the same human to human contexts elsewhere in the ancient Near East, and in those contexts divine sanctions were heavily relied upon. When we evaluate oaths in the HB we must consider both form and function. Whereas Magnetti focuses on the formal distinctiveness of Israelite oaths from some of their ancient Near Eastern counterparts, it is possible that the form of oaths in the HB had been influenced or even determined by their function.

Ziegler observes that oaths function in the biblical narrative to reveal a person's character, especially their integrity, reliability, and piety.[197] In light of Ziegler's observations, the hypotheses provided by Tucker and Magnetti for why HB oaths are distinct from their ancient Near Eastern counterparts are in my opinion less convincing. Rather than being concerned with fully and accurately representing the oath formula(e) of ancient Israel, I prefer to interpret the distinctiveness of HB oaths based on their narrative characterization function. In short, it seems more likely that commercial oaths were part of the Israelite economy, though they took an abbreviated form in HB narrative. So, how might the rural Levites have fit into the oath-taking

[195] van der Toorn, *Sin and Sanction*, 49; Magnetti, "Oath-Functions," 27–29. Magnetti cites Abraham's purchase of a burial plot for Sarah (Genesis 23), the purchase of a field at Anathoth (Jer 32:6-16), and Boaz' redemption of Naomi's land in the presence of witnesses at the city gate (Ruth 4:1-12).

[196] Magnetti, "Oath-Functions," 29.

[197] Ziegler, *Promises to Keep*, 265–70; cf. Kottsieper, "שבע; שבעה," 323.

process that likely occurred throughout ancient Israel? There are three reasons why the rural Levite could have fulfilled one or more roles in local commercial and legal oaths.

First, based on section one above, it is likely that the Levites performed scribal duties analogous to their role as central sanctuary accountants. This could have been fulfilled in the context of local tithe administration, not to mention in their function as שׁוטרים. Because scribes were integral to the ancient economy for recording the details of business transactions and the oaths associated with them, the rural Levite scribe would have been the most skilled and therefore the most likely person to record these commercial contracts. Second, the use of rituals before, during, and after oaths in the ancient Near East suggests that at least a semblance of originally cultic oath rites would have been retained in Deuteronomy's centralized Israel. The possible association of the Levite with the triennial tithe's שׁלמים-like festal meal, and the probability that the rural Levite was the only ritual specialist available (excluding elders, judges and heads of households; see chapter two), makes it plausible that they could have been responsible for any rites associated with locally administered oaths. This association between the Levites and local rituals, which will be explored in greater detail in the next chapter, also derives from their משׁמרת.

Third, in further connection with the rural Levites' משׁמרת of local oath rituals, the administration of local oaths may have also fulfilled social and moral משׁמרת. I have already mentioned Ziegler's conclusion that oaths in the HB functioned to reveal a biblical figure's moral character. Van der Toorn makes a similar observation that upholding an oath equated to

moral obedience, so that violating an oath meant violating morality.[198] More striking is his assertion "the relation between sin and the oath/curse complex is further demonstrated by the recurrent expression *itê etēqu*, 'to trespass the limits', in penitential confessions."[199] In other words, breaking an oath is equivalent to crossing moral boundaries, which were abstractions of cultic boundaries. Since broken oaths resulted in a curse and functioned as an outbreaking of the deity against the violator, there is also an analogous relationship with the outbreak that could follow one's violation of cultic boundaries. In effect, with the breaking of an oath, a sacred agreement became profaned, with dangerous results for the violator. Because the foundational role of the Levites was to prevent spatial and ritual trespass via משמרת, it is also likely that they would have been involved in overseeing local oaths in order to prevent moral trespass. To summarize, if oaths were taken locally, as I have argued they would have been; and if they necessitated ritual performance, as I have argued they could have; then the oaths would have been written by local scribes and the rituals could have been performed by local ritual specialists, both of which could be accomplished by the rural Levites.

B. Vows

Vows were similar to oaths and even the initiation stage of a vow likely would have included an oath. However, whereas the oath functioned throughout the social spectrum in cultic, legal, and commercial contexts, the vow was a commercial promise fulfilled in a cultic context.[200] A votary would initiate a vow by petitioning a deity for some kind of economic benefit, in exchange for which they would vow to provide goods or services in fulfillment of the

[198] van der Toorn, *Sin and Sanction*, 52–53.
[199] van der Toorn, *Sin and Sanction*, 53.
[200] Cartledge, *Vows*, 122. cites examples from Ugarit in which a lesser king vowed to a superior king, but this is anomalous and tangential to the topic of vows made by lay Israelites.

agreement. In this section I will elaborate briefly on the details of the votive process, i.e., how, why, by whom, when, and where vows were made and fulfilled. The terminology used for the votive process is consistent throughout the ancient Near East.[201] The HB uses the nominal and verbal root נדר for "vow/votive" and "to vow," respectively.[202] The nominal and verbal forms appear together 19 times, so in instances when either the nominal or verbal form is absent, it seems to be implied. With respect to the literary form of vows in the HB, Cartledge adds that there was probably not a repository of vow-forms from which a person would choose. Rather, "any person who knew how to make a bargain could also make a vow," and the use of first, second, or third person was a matter of personal style rather than being required by the votive literary form.[203] This variable quality of Israelite vows is also attested in the broader ancient Near East. Royal Sumerian prayer hymns were guided by liturgical rubrics, but Sumerian royal praise hymns and Akkadian *šuilla* prayers were not.[204] Although the *šuilla* prayers were guided by a standard form, there were similar texts that were more variable. The lack of a fixed form to HB vows should not be a cause for alarm or taken as evidence that Israelite vows were drastically distinct from or less sophisticated than their ancient Near Eastern counterparts.

Whereas oaths were part of the daily legal and commercial routine, Cartledge suggests that vows functioned within the realm of personal piety as petitionary prayers to God, often in moments of dire need when God was the last resort and all other options had been exhausted.[205]

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[201] Köhler, *HALOT*, 674. Akkadian *nazāru* is related to BH נזר and נזיר (from which the term Nazirite comes), but the ז had shifted to ד in BH נדר and Arabic *naḏara*. Many of the nominal and verbal occurrences of נזר refer to making a separation or to the Nazirite votary, rather than functioning as the generic term for a vow.

[202] The nominal form occurs 60 times. The verbal form occurs 31 times, exclusively in the Qal binyan.

[203] Cartledge, *Vows*, 150; Berlinerblau, *The Vow*, 73–74. Belinerblau rejects the argument that the shift between first and third person indicates e.g., an address to cultic personnel.

[204] Sparks, *Ancient Texts*, 103.

[205] Cartledge, *Vows*, 26–27.

A vow could have three stages: Initiation, in which the votary petitioned the deity for help and made an oath to repay, Response, in which the deity either did not respond to the votary's petition, releasing them from the vow, or the deity responded and triggered the next stage in the process, and Fulfillment, in which the votary was required to fulfill the vow under the terms of the initial petition. Whereas festal offerings were made at specifically regulated times of the year, vows could be initiated and fulfilled at any time, separate from the festal calendar.[206] The only significant regulation for the timing of vow fulfillment is provided by Deut 23:22-24, which urges a votary to fulfill their vow exactly as promised and with haste. The festal calendar of Deuteronomy 16:1-15 provided several opportunities for Israelites to fulfill their vows throughout the year, and even mandated the attendance of every male at all three of these חגים (Deut 16:16-17), though it did not mandate the payment of vows at these times.

Because vows resulted from specific personal needs (e.g., financial distress, childlessness, or travel dangers), they were part of personal piety and as a result were less restricted than other aspects of the cult. So, whereas Deuteronomy restricts vow fulfillment to the central sanctuary (Deut 12:5-6, 11, 26), the initiation of the vow was unrestricted and could occur anywhere.[207] Although this could have meant (as Berlinerblau has suggested) that vows were initiated in the privacy of one's home and unsupervised by cultic personnel, intensifying the personal nature of vows in contrast to corporate acts of piety, I think it is unlikely that the entire initiation stage would have occurred in private.[208] Just as oaths were taken seriously in the ancient Near East because of their invocation of deities, so the vow was regarded with reverence,

[206] Leviticus 23; Num 13:3-8; 29:39. Berlinerblau, *The Vow*, 107; Cartledge, *Vows*, 33. Cartledge suggests that sacrificial votives would have probably been offered during a feast.

[207] Berlinerblau, *The Vow*, 67, strongly emphasizes the distinction between where vows were initiated and where they were fulfilled.

[208] Berlinerblau, *The Vow*, 79.

and perhaps an even greater reverence than oaths because vows were initiated directly with deities.[209] It is possible that the votive petition could be made in private between the votary and God, but since the gravity of the vow was comparable to or greater than standard commercial oaths we would anticipate that a votary might want to record the terms of their votive oath/petition. Deuteronomy 23:24 states "you must do just as you have vowed to the Lord your God of (your) freewill which you said with your mouth."[210] Lest one forget exactly they vowed to YHWH, depending on the nature of the vow it could have been beneficial to bring at least some of the details of the vow into the public sphere by utilizing a local scribe's services in recording the more important details. To be clear, this would not constitute what Berlinerblau considers "supervision" of the vow, but merely recording it. Of course, this is speculation. However, just as we have good reason to believe that local oaths were recorded by scribes in ancient Israel, especially based on parallels from the ancient Near East, so it seems reasonable that locally initiated vows also could have been recorded by scribes.[211] Old Babylonian vows, which parallel temple loans in their form, typically mentioned the name of the scribe and the date on which the vow was recorded.[212] Although we cannot assume that the Israelite votive process exactly mirrored the Old Babylonian process, we should not presume that the private nature of Israelite vows precluded the need for scribal records. It is likely that some vows were initiated in

[209] The importance of vows is conveyed in Deut 23:22-24.

[210] Although the concept of fulfilling a vow according to the terms of initiation is certainly present in this verse, this is probably not the main point of emphasis. I read the vav at the head of the quoted clause above (ועשׂית) as grammatically subordinate to the clause מוצא שׂפתיך תשׁמר at the beginning of the verse. The emphasis is on guarding what comes out from one's lips. This follows logically from v.23, which allows one to refrain from vowing. The point of the two verses is that you can refrain from vowing, but if not, be careful.

[211] Berlinerblau, *The Vow*, 83–91, rejects this. He distinguishes between Northwest Semitic vows that were spoken to the deity and accessible to the popular religious group, and between East Semitic vows that were often written and placed before a deity (rather than just spoken). However, this distinction does not preclude the possibility that Northwest Semitic vows were written down for the sake of guaranteeing accurate vow fulfillment. This does not mean that an Israelite's written vows would have necessarily been placed before God at the central sanctuary either.

[212] Cartledge, *Vows*, 78.

private and were not recorded (e.g., Hannah's vow in 1 Sam 1:11-18), but this does not mean that all vows were unrecorded.

Deuteronomy 12 specifies that votive offerings must be brought to the central sanctuary in order to fulfill the vow, however, it does not specify in what form a votive must appear. Votives could take the form of sacrifices, personal service (e.g., through devotion of oneself or one's children to the deity), or public praise and thanksgiving.[213] In general, the substance of a votive would be related in kind to what the votary requested from the deity.[214] As a sacrifice, votive gifts could be regarded along with freewill offerings as שׁלמים, "peace offerings," or alternatively as עלות "burnt offerings".[215] Although the שׁלמים was connected to the vow in e.g., Lev 7:11-21, Num 6:1-21, and Prov 7:14, Baruch Levine suggests that the נדר is regarded in Deuteronomy as a distinctly different type of offering from the שׁלמים.[216] However, I believe Levine has created a false dichotomy.

Deuteronomy's characteristic ambiguity about cultic details is once again on display in Deut 12:6, 11, and 26-27. The term שׁלמים only appears once in Deuteronomy (27:7), where it is connected to the זבח. Unlike its wider usage throughout the Pentateuch, no additional details are given about the שׁלמים in Deuteronomy. Likewise, we are not met with a catalogue of possible offerings as in Lev 7:37. Rather, Deuteronomy 12 has simplified these offerings into two main

[213] Cartledge, *Vows*, 29. However, Deut 23:19 invalidates income from male or female prostitution as potential votive offerings.

[214] Cartledge, *Vows*, 30.

[215] Baruch Levine, *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel*, vol. 5, SJLA (Leiden: Brill, 1974), 42–43; Cartledge, *Vows*, 29–31. Although both were peace offerings, votive sacrifices were slightly higher in status compared to freewill offerings, since the former could have no defect, but the latter allowed for slight aberration (Lev 22:23).

[216] Levine, *In the Presence of the Lord*, 44.

categories, those which are wholly burnt up as עלות, and those which are only partially offered on the altar as זבחים. However, we can infer that the שׁלמים is a category of זבח into which a variety of offerings would have fallen. In Deut 12:6 this probably includes the מעשׂרות "tithes," but could also include the נדר if it were offered as a זבח instead of an עלה. In other words, Deuteronomy 12 is not concerned as much with the details of the נדר, though it seems to be aware that it could be offered as an עלה or a זבח. Instead, Deut 12:26-27 emphasizes the important distinctions between those two broad categories of עלה and זבח offerings.[217] If a נדר is offered as an עלה, its flesh and blood must be offered on the altar, but if offered as a זבח, only the blood must be offered. Deuteronomy gives us no reason to suspect that it regarded the שׁלמים as a categorically different type of offering from the נדר. Besides using animal sacrifice, vows could also be fulfilled in other ways.

We see examples of children being devoted to the service of God in fulfillment of a vow (1 Samuel 1), or alternatively the Nazirite vow (נזר) was a specific type of vow in fulfillment of which a person would devote themselves to the service of God.[218] Finally, a vow could be

[217] The distinction between זבח and עלה in Deut 12 is similar to the distinction between שׁלמים and עלה in Exodus (20:24; 24:5; 32:6). The distinction between the two categories of offerings, which we observe in Deut 12 follows the standard distinction throughout the Pentateuch. The term שׁלמים is often accompanied by זבח in Leviticus and Numbers, though עלה is not often accompanied by זבח (Exod 20:24). Note the distinction between עלה and שׁלמים in Lev 6:12 (cf. Num 10:10), and the distinction between the עלה, מנחה, חטאת, אשׁם, מלואים, and זבח שׁלמים (Lev 7:37; cf. 9:22; Num 15:8; Num 29:39).

[218] Cartledge, *Vows*, 32. The example of Samuel's birth merits some elaboration and clarification. If Samuel's birth preceded the era of Levitical firstborn substitution, the vow would have been invalid, since Hannah could not have promised her firstborn son to God if at that time the firstborn were already inherently God's possession (Exod 13:2). For Hannah's vow to mean anything, it must have occurred at a time when offering a

fulfilled in part or in whole by means of public praise and thanksgiving. Poetic prayer literature often functioned in the ancient Near East as part of the votive process, with examples of public praise in Sumerian texts, in the Assyro-Babylonian *ér-šà-hun-gá*, *ki-^{d}utu-kam*, and *šu-illa* petitions, and in the Hebrew Psalter.[219] Cartledge even suggests that praise tended to be more frequently promised as a votive offering than material gifts were, and this custom is even advocated by the Psalter.[220] Hittite vows seem to be the exceptions to this norm, since they tend to emphasize material votive objects over verbal praise.[221] Sparks nuances this, observing that votive praise in the broader ancient Near East and probably also the Hebrew Psalter often occurred concurrently with cultic offerings.[222]

Thus, votive fulfillment was not necessarily restricted to sacrificial offerings, personal devotion, or praise, but may have included one or more of these methods of fulfillment. Additionally, the location of vow fulfillment at the central sanctuary and the content of vow fulfillment in the form of objects, personal devotion, and/or public praise show that however private and personal the initiation stage of a vow may have been, the fulfillment stage was entirely public.[223] This public component to the votive process functioned in large part as a glorification of God as the votary's divine patron, effectively validating God's reliability in granting petitions and also God's grandeur. However, another function of public fulfillment

firstborn had been rendered unnecessary by Levitical substitution, and when vowing her child was otherwise unnecessary.

[219] Sparks, *Ancient Texts*, 103; Cartledge, *Vows*, 75–85.

[220] Cartledge, *Vows*, 86.

[221] Cartledge, *Vows*, 107.

[222] Sparks, *Ancient Texts*, 118. Sparks cites Ps 30, 51, 54, 56, 61, 65, 66, 67, and 79 as potential examples of vows connected to votive sacrifice.

[223] Cartledge, *Vows*, 135; Berlinerblau, *The Vow*, 155. Whereas the timing of vow fulfillment was open-ended and the substance of a votive was broad, a votary hardly functioned independently of the priesthood. Rather, if the votive was a sacrifice, it was administered by the cultic personnel. If the votive was personal devotion, a sacrifice is also required. If the votive was verbal praise or thanksgiving, it may have been guided by cultic personnel, as the offering of firstfruits was (Deut 26:1-11). This parallel will be elaborated below.

would have been public validation that a vow had been initiated, responded to, and fulfilled according to the initial terms. This further underscores the necessity of scribes to record the terms of some vows prior to their fulfillment at the central sanctuary, especially for material votives.[224]

Due to the nature of vows in ancient Israel, virtually anyone could initiate a vow.[225] However, the cult attempted to balance this with regulations that limited the validity or fulfillment of a vow. Women were permitted to make vows, but an unmarried woman's father or a married woman's husband could invalidate them.[226] The law was likewise restrictive for resident foreigners (i.e., גרים) who lived in Israel and were loyal to YHWH.[227] Although the votive system initially seems quite open and embracing, so that anyone could privately initiate a vow,[228] the fulfillment stage could be quite complicated for non-Israelites and even citizen Israelites, according to Deuteronomy. Besides Deuteronomy's centralization policy that required all votives to be brought to the central sanctuary, it also proscribed certain groups of people from participating in sanctuary worship. These groups include emasculated males, children of illegitimate birth, Ammonite or Moabite immigrants, and first and second generation Edomites and Egyptians (Deut 23:2-9). Anyone could initiate a vow and God could even respond to it, but for these groups it would have been impossible to fulfill the vow. A possible exception to this may have been the triennial tithe, to which I will return below. Although Berlinerblau correctly asserts the socio-economic inclusivity of vow initiation, he fails to adequately consider how

[224] Perhaps verbal votives could be remembered and presented in a stereotyped form like we observe with the firstfruits and tithe in Deut 26:1-15, rather than having to utilize a scribe to record the details.

[225] Even the special נזיר vow was gender-inclusive (Num 6:3).

[226] Numbers 30:4-10. Cartledge, *Vows*, 28–34.

[227] Cf. chapter two on the קהל יהוה; esp. Awabdy, *Immigrants*, 110–25.

[228] Berlinerblau, *The Vow*, 119–23.

restrictive the fulfillment stage could be, and the exegetical conflict which arises from this paradox.[229] He also extends his argument to suggest that even heterodox people or "non-exemplary Yahwist(s)" in Israel could have made vows to YHWH.[230] He states:

> "There is no *social* price to pay for making a vow. Words spoken in solitude are comparatively unproblematic. Nobody is around to monitor them, to tax them, or to devote them to memory. This includes priests, scribes, …intrusive neighbors, pernickety moralists and others who by virtue of their presence would somehow alter the contents of a person's vow."[231]

While I agree with Berlinerblau's assessment of vow initiation in some contexts, I remain unconvinced that all vows would have been initiated privately. Even for privately initiated vows, it seems that private anonymity would have been removed somewhat when a vow was fulfilled publicly.

IV. Summary

To summarize, in the first section of this chapter I discussed the economic mechanisms that would have been required to facilitate Deuteronomy's expectations that the tithe could be exchanged locally for silver, and that the triennial tithe would be observed locally and distributed primarily to the poor. I suggested that for these events to work they assumed (and therefore implied) the presence of several economic mechanisms. The first of these was the mechanism for redistribution of resources throughout the land of Israel. Silver could have been transported from the temple treasury to rural tithe exchange depots, and exchanged tithe resources could have been transported to the temple for future use. The second mechanism that I discussed was the

[229] Berlinerblau, *The Vow*, 115–23.
[230] Berlinerblau, *The Vow*, 126–29. Berlinerblau cites Prov 7:14 and Jer 44:25.
[231] Berlinerblau, *The Vow*, 130.

need for scribal accountants to record the annual tithe exchange and to receive, store, and distribute the triennial tithe in connection with local storehouses. Using Arad as a test case for what was either this exact process, or very similar to it, and considering the function of some sanctuary Levites as record-keepers for the temple treasury, I suggested that the rural Levites could have plausibly performed rural tithe administration based on their scribal qualifications.

In the second section, I briefly discussed the potential links between rural Levites and שׁוטרים. Although the שׁוטרים could have been a judicial class of scribes separate from the Levites, I suggested that their pairing with the judges in Deut 16:18 parallels the analogous pairing of judges and (Levitical) priests at the central sanctuary (Deut 17:8-12; 19:17). I asserted that the comparable text of 2 Chron 19:8-11, rather than identifying Levites in the role of שׁוטרים because of the penchant for Leviticalization in 1 and 2 Chronicles, clarifies the ambiguity which Deut 17:8-12 and 16:18 left open. I concluded that the שׁוטרים may have been a Levitical sub-class that performed scribal and ritual elements that would have been employed in judicial contexts. Specifically, they could have administered rural versions of ritual ordeals and/or judicial oaths.

In the third section, I discussed the processes and functions of oaths and vows in the ancient Near East. Despite a dearth of information about them in the HB, I suggested that oaths and vows likely would have been as essential to the Israelite economy and justice system as they were for their ancient Near Eastern counterparts. At the fundamental level, oaths and vows constituted commercial contracts. Oaths were typically initiated in human to human commerce and judicial proceedings, though they were also components within vows. They were intended to hold business parties accountable to their word, or to validate the testimony of litigants and

witnesses. Vows were typically initiated in human to divine commerce, and entailed a three-stage process of initiation, divine response, and votive fulfillment. I asserted that the importance of oaths and vows would have necessitated that many of them be recorded by a scribe. Due to the scribal and ritual specializations of rural Levites suggested in the first two sections above, it is plausible that the rural Levites could have also recorded, notarized, and/or performed ritual aspects tied to local oaths and vows.

Admittedly, the arguments for the scribal roles of the rural Levites which I have presented in this chapter are circumstantial and heavily dependent upon the relationship between Israel and its ancient Near Eastern neighbors. Likewise, certain components of the argument are stronger than others. I draw attention to this in the interest of being forthcoming, but also to suggest that a synthesis of the topics covered in this chapter may lend further support to their collective probability as rural Levitical roles. In the remainder of this chapter I will attempt to demonstrate how the tithe, the festival of Sukkot, and the vow process may have been connected in Israelite society.

V. Synthesis

In the first section I described the ritual characteristics of the annual and triennial tithes. To review, the tithe constituted a portion of the overall agricultural yield for the year's entire harvest and was most likely collected during the feast of Sukkot, which itself was a harvest festival intended in part to celebrate the culmination of the harvest season. As an offering, the annual tithe was categorized as a שלמים "peace offering," which was a sub-category of זבח and functioned as a shared relationship-building meal between the parties involved (e.g., God and the worshipper). With respect to how the שלמים was butchered and consumed (some parts burnt, other parts cooked), who consumed it (i.e., God, priests, people), where it was consumed (i.e., in

a clean place), where it was sacrificed (away from the altar), its lower "holy" status, and its relationally binding purpose, the שׁלמים was an offering that straddled the boundary between sacred and secular, and between the cult and society. This is the category of offering into which the tithe and some vows fit, and this is the type of meal that was adapted for rural observance during the triennial tithe and for sealing local oaths.

A synthesis of tithes and vows is important because it relates to an important dilemma over the location where the triennial tithe oath statement was spoken (Deut 26:12-15). The impasse seems to be based on two conflicting assumptions. On the one hand, it has seemed illogical to require the Israelite worshippers to celebrate the triennial tithe in their שׁערים and then require them to make the journey to the central sanctuary.[232] On the other hand, it has seemed problematic that Deuteronomy would allow worshippers to speak the oath statement in the gates, rather than at the central sanctuary, if they were speaking to God.[233] When we synthesize tithes and vows, we can see that it would not have been necessary for the worshipper to journey to the central sanctuary to speak the oath statement associated with the triennial tithe. Rather, if tithes and vows were categorically similar and just as the triennial tithe could be offered in the שׁערים, so could the oath statement associated with it be spoken in the שׁערים, not to mention other vows which may have been spoken there.

[232] Those who suggest that the oath statement occurred in the שׁערים include Tigay, *Deuteronomy*, 184; Christensen, *Deuteronomy 21:10-34:12*, 642; Craigie, *Deuteronomy*, 322–23.

[233] Those who suggest that the oath statement occurred at the central sanctuary include von Rad, *Deuteronomy*, 160–61; Nelson, *Deuteronomy*, 310; Lundbom, *Deuteronomy*, 729–30.

At this point we can already start to synthesize tithes and vows in terms of their shared form and function, since tithes and votives could both be categorized as שלמים.[234] Likewise, with respect to function, tithes and votives constituted the final stage of their respective cycles. In the case of annual tithes, the cycle began at the end of the previous year when the worshipper requested God's future blessing (Deut 26:12-15). This was followed by God's blessing in the next agricultural year, to which the worshipper responded with an oath attesting to the acceptability of the tithe and by returning a lesser portion of that blessing-in-kind, accompanied by praise and thanksgiving and another request for future blessing (26:15), leading to a perpetuation of the cycle. In the case of the triennial tithe, the cycle was adjusted slightly so that the lay Israelite was able to give their offering to the *personae miserae*. This also allowed roles to shift, so that the lay Israelite functioned as patron (*imitatio dei*) and the *personae miserae* functioned as the recipients of God's blessing (*imitatio lay*). Thus, the triennial tithe uniquely combined the vertical and horizontal orientations of exchange into a triangular orientation. The triennial tithe model began with a supplication for God's blessing, followed by God's blessing in response, to which the worshipper responded with an oath attesting to the acceptability of the tithe and by transferring a portion on to the *personae miserae*, to which the *personae miserae* responded by returning to God their praise and thanksgiving, followed by a request for future blessing (Deut 26:12-15).

I mentioned in section three that in the case of vows the cycle also began with a worshiper's request for blessing from God, followed by God's fulfillment of the request, and culminating in the worshipper presenting a votive offering-in-kind as the fulfillment of the vow, sometimes including praise and thanksgiving.

[234] Unless the votive was offered as an עלה.

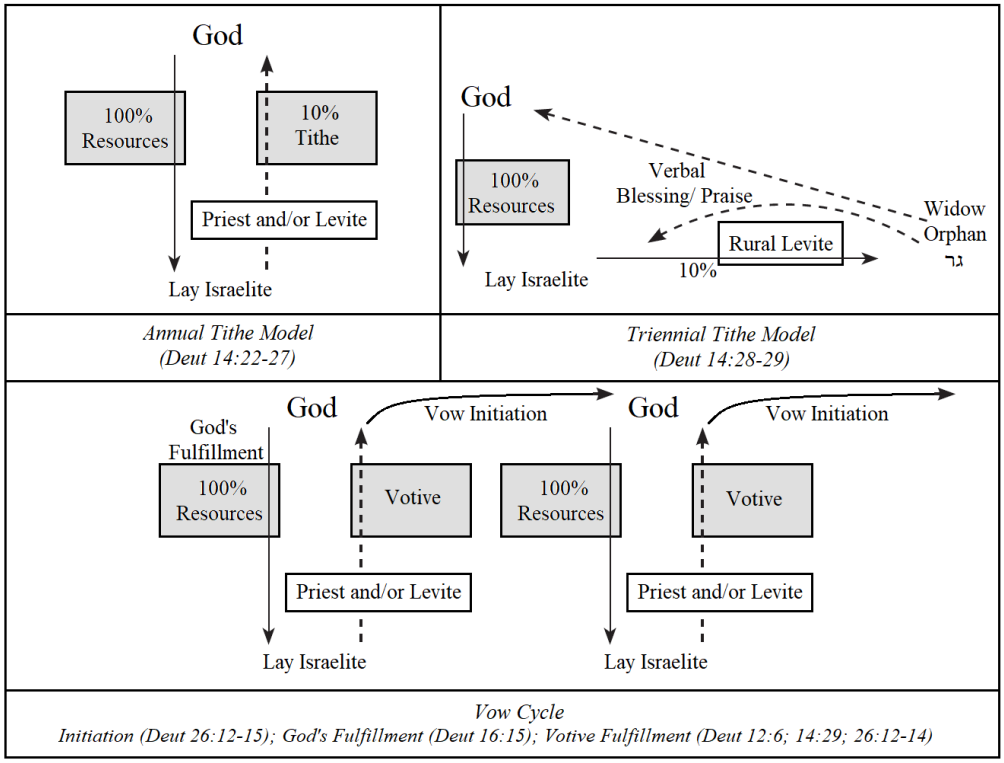

Fig. 7. Annual and Triennial Tithe Cycle and Vow Cycle Models.[235]

When we compare the annual and triennial tithe cycle models with the vow cycle model, we see that they align quite well (fig. 7). An additional point of correlation is their transactional nature. Although vows could be initiated situationally and perhaps even without an established relationship with the God to whom they were addressed (e.g., the sailors in Jon 1:15-16), tithes and vows were like covenants in that they typically functioned as a business transaction that was based on a prior relationship between the two parties. As long as both parties remained faithful to their contracted obligations, the relationship would continue. Besides the actual stipulations for tithes or vows, the relationship between Israelites and God was predicated on covenant obedience. Deuteronomy is replete with the cyclical logic of retribution theology, which holds

[235] The same explanations for the Annual and Triennial Tithe Models above are operative here. Additionally, the bottom half of the figure illustrates the vow cycle, so that the curved solid line moving from left to right represents the initiation of a new vow. Similar depictions of the Annual and Triennial Tithe Models could also be given to illustrate their cyclical recurrence.

that God will bless Israelites because of their faithfulness or holiness, and that Israel must be faithful to God (or holy) because God will bless them.[236] The relationship between humans and God could also be renewed cyclically. Deuteronomy proposes covenant renewal every seven years during the feast of Sukkot (Deut 31:10-15), annual tithe renewal also during Sukkot (26:15), and although they are not attested in Deuteronomy we might also expect other types of vows to be renewed cyclically. A breach in faithfulness, whether in the context of a vow or covenant faithfulness, would incur curses for the worshipper/votary. These curses were not general consequences, but were tailored to match the nature of the agreement or breach. Whereas a faithful relationship was characterized by certain blessings and benefits from God, a breach in that relationship caused the polar opposite situation to develop.[237] Despite these points of correlation, there are a few noteworthy points of discrepancy.

First, whereas the annual tithe consisted of only material offerings, but was accompanied with praise and thanksgiving, in the triennial tithe the "offering" of the *personae miserae* to God consisted of praise and thanksgiving, and in the vow cycle the votive could take the form of material offerings, personal devotion, *and/or* praise and thanksgiving.[238] So, while the use of offerings may be less consistent, the use of praise and thanksgiving was standard. Second, besides the correlations between tithes and vows in form and function, we may also observe that both were dependent in varying degrees upon a prior relationship between the worshipper/votary and God. Third, whereas the tithe was intended to fulfill an annual cultic mandate relating to

[236] The notion that God will bless Israelites because of their social justice is conveyed, e.g., by Deut 15:10; 23:20; and 24:19. The notion that Israelites must give to God because they have been blessed is conveyed, e.g., by Deut 16:15.

[237] I.e., agricultural fecundity under a faithful relationship (Deut 28:5, 8, 11-12) was opposed by agricultural scarcity (Deut 28:23-24, 38-44).

[238] Cf. Cartledge, *Vows*, 135; Sparks, *Ancient Texts*, 118. However, I also proposed above that just as the tithe of the tithe was regarded as the Levite's own offering to God (Num 18:25-32), so the triennial tithe may have also been divided among Levites and the *personae miserae* so that the Levites received 10% (the tithe of the triennial tithe), which may have been regarded as the *personae miserae*'s tithe to God (Deut 14:28-29).

agriculture, vow initiation has been typically considered less regulated by the cult and was used for a broader range of situational needs, e.g., infertility or travel safety.

Despite these differences, the overwhelming points of correlation between tithes and vows suggest that the מעשׂר, like the נזיר, was actually a sub-category of vow;[239] albeit a category that was more highly regulated than situational vows. In other words, ancient Israel had a broad category of vows, which at least accommodated situational, נזיר, and מעשׂר/agricultural vows. As compelling as the parallels between tithes and vows may be, the parallels become even stronger when we synthesize these observations with the feast of Sukkot.

Sukkot was the last of the three annual festivals, the first two of which were Pesach and Shavuot (Deut 16:16). Whereas Shavuot celebrated the beginning of the harvest, Sukkot was a festival which celebrated the culmination of the harvest and looked forward to the next year's agricultural season. Sukkot, with its incredible sacrificial inventory (Num 29:12-38) was also referred to as "the feast of ingathering" (Exod 23:16; 34:22), or as "the feast" of YHWH (Lev 23:39).[240] As suggested above, Sukkot was naturally connected to the end of harvest tithe collection, which I have further connected to the vow cycle. Interestingly, this is not the first time that Sukkot has been associated with a vow cycle.

In the rabbinic period, Sukkot was explicitly associated with vows for rain. One aspect of this association was the prayer for rain, which occurred around the same time as Sukkot, i.e., in

[239] Or more precisely, the collection of the מעשׂר functioned as the fulfillment stage of an agricultural vow.

[240] Mark J. Boda, *The Book of Zechariah*, NICOT (Grand Rapids: Eerdmans, 2016), 777; Carol L. Meyers and Eric M. Meyers, *Zechariah 9-14*, AB 25C (New York: Doubleday, 1993), 468–69. Milgrom, *Numbers*, 247 and Roland de Vaux, *Ancient Israel: Its Life and Institutions* (Grand Rapids: Eerdmans, 1997), 495, attest to the significance of Sukkot.

mid-September to early November, depending on the location and agricultural cycle.[241] Within the vow cycle, the prayer for rain would function as the initiation stage of the vow. Besides prayer, during the rabbinic period a water libation is also attested as part of the Sukkot rituals.[242] Rabbi Akiva is often cited for his association between the three major festivals, their ritual offerings, and the intended outcome of these for the future.[243] He asserts that Sukkot features a daily water libation intended to bless the next year's rains.[244] Evidently, the water libation was believed to have performed a cosmological function; flowing from pipes within the altar and trickling down eventually into the cosmological subterranean waters, stimulating them to proliferate and eventually produce rainfall.[245] It was believed that annual rainfall was dependent upon an annual reiteration of the water libation and prayers for rain. This is akin to the votive and tithe cycles, which were sustained by an annual reiteration of rituals and processes in a causal cyclical relationship.

We must not read the libation ritual and rain prayers in isolation from the tithe and vow cycles. Rather, the libation ritual and rain prayers are combined with the other sacrifices of Sukkot (primarily the tithe), and perhaps also the sacrifices of the preceding festival of Shavuot, in order to collectively function as the culmination of an annual agricultural vow. This vow was initiated by both the libation ritual and rain prayers, to which God responded with rain; and it

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[241] Arnold Lasker, "The Jewish Prayer for Rain in Babylonia," *JSJ* 15 (1984): 129. Lasker provides interesting commentary on how Jewish prayers for rain were heavily influenced by the individual contexts where they took place, i.e., in Palestine or Babylonia.

[242] Cf. m. Ta'an 1:1; t. Sukkah 3; m. Roš Haš. 1:3; 4:9; m. Mid. 2:7; also cited in Boda, *The Book of Zechariah*, 777.

[243] Sifre Num 150; cf. Milgrom, *Numbers*, 248; Itzhack Brand, "Following the Path of the Water Libation," *Rev. Rabbin. Jud.* 15 (2012): 44; t. Sukkah 3:18.

[244] For insight into libation rituals in the HB, the ancient Near East, and in ancient material culture, see Gerald A. Klingbeil, "'Libation Rituals in the Ancient Near East,'" in *Khirbet Qeiyafa Excavation Report 2007–2013: Art, Cult, and Epigraphy*, ed. Yosef Garfinkel et al., vol. 4 of (Jerusalem: Institute of Archaeology, Southern Adventist University/Israel Exploration Society/Institute of Archaeology, The Hebrew University of Jerusalem, 2018), 219–39.

[245] Jeffrey L. Rubenstein, *The History of Sukkot in the Second Temple and Rabbinic Periods*, BJS 302 (Atlanta: Scholars Press, 1995), 120–30; Brand, "Following the Path," 59–60; Meyers and Meyers, *Zechariah*, 473.

was fulfilled by Israel in the form of the tithe and other offerings of Sukkot (including the water libation), which also functioned to initiate a new agricultural vow for the following year.[246] Unfortunately, whereas the connections between Sukkot and an annual rain vow are explicit in the rabbinic period, we must infer these connections in the HB.

Zechariah 14:16-19 is the first and only explicit biblical text which attests to the link between Sukkot and rain, albeit not explicitly a rain vow.[247] The text portrays an eschatological-era celebration of Sukkot by all the remaining nations of the world, with a curse upon any nations that might not attend the festival (e.g., Egypt). Rather than stating that the function of Sukkot was to fulfill and initiate a rain vow, as we observe in the rabbinic period, Zechariah 14 is ambiguous about the function and instead issues a rain curse upon the nations who abstain from the festival. Because the association between Sukkot and rain is a bit different in Zechariah 14 compared to later rabbinic sources, the nature of the connection has been debated. Whereas Rubenstein sees rainfall as dependent on good or bad conduct and a system of divine punishment and reward, several others have elaborated on this within the framework of a covenant relationship. The connection of rainfall with covenant obedience, and drought with covenant disobedience is attested elsewhere in the HB, and is especially central to Deuteronomy's

[246] Rubenstein, *Sukkot*, 179, observes that the water libation and rain prayers are associated with different periods, i.e., the Second Temple Period and the rabbinic period, respectively. He interprets this as ritual innovation, suggesting that the water libation functioned at Sukkot in concert with the temple, but when the temple was destroyed, the rabbis kept the association between the rain vow and Sukkot by modifying the libation ritual into prayer. However, this is not the only possible interpretation. When we consider the function of Sukkot as part of an annual agricultural vow cycle, we have good reason to believe that prayer was always part of the cycle, though it may not have been explicitly stated (cf. Meyers and Meyers, *Zechariah*, 473). Rubenstein is correct in observing ritual innovation, but the innovation was not from water libation to newly inaugurated rain prayers. Rather, the innovation was from water libation and rain prayers as the Second Temple Period modes of rain vow initiation to just rain prayers as the mode of initiation in the rabbinic era.

[247] Rubenstein, *Sukkot*, 48; Raphael Patai, "The Control of Rain in Ancient Palestine," *HUCA* 14 (1939): 253.

covenantal theology.[248] In other words, Zech 14:16-19 observes a strong connection between observance of Sukkot and covenant obedience. Boda suggests that this is because Sukkot is connected to the major theme of YHWH's kingship in Zechariah 14. Just as tribute would be offered to suzerains as part of covenantal obligations between a suzerain and vassal, so Sukkot functions in Zechariah 14 as tribute to YHWH, the suzerain of Israel.[249] Interestingly, this is also a dominant function of the tithe, which was also associated with Sukkot, and which also functioned as covenant obedience.[250] So, the function of Sukkot as tribute payment to YHWH was not exclusive to Zechariah 14, but extended also to tithe texts elsewhere in the HB.

Not only did observance of Sukkot function as covenant obedience, it also conveniently became associated with the corporate reading of the law and with covenant renewal in the Second Temple Period (and every seven years in Deut 31:10-15).[251] In short, although Zech 14:16-19 is the only biblical text which explicitly links Sukkot with rainfall, the covenantal theology behind Zechariah 14 and a host of other biblical texts (e.g., Deuteronomy) suggests that it is reasonable to infer implicit connections between Sukkot and rainfall elsewhere in the HB. Likewise, it is reasonable to interpret the curse of Zech 14:17-19 as part of a vow cycle. The logic of this cycle is as follows:

1. Israel and the nations implicitly initiated a rain vow to ensure agricultural fecundity for the following harvest year, while also agreeing to the terms of agricultural curses if they failed to fulfill the vow.

[248] Leviticus 26:1-5; Deut 28:23-24; 1 Kgs 8:35-36; Jer 5:24-25; and 14:1-7; after Patai, "The Control of Rain in Ancient Palestine," 252. By "covenantal theology" in Deuteronomy, I mean the notion that God will bless or curse his people (often agriculturally) in response to their covenant obedience or disobedience.

[249] Boda, *The Book of Zechariah*, 777–78.

[250] Deuteronomy 14:22-23 reads "You shall surely tithe…[and] You must eat before the Lord your God…the tithe…so that you may learn to fear the Lord your God always."

[251] Meyers and Meyers, *Zechariah*, 473; George L Klein, *Zechariah*, NAC (Nashville, TN: B & H, 2008), 423.

2. God fulfilled the request by providing fecundity for the following harvest year, notably for the entire earth, which illustrates God's supremacy, dominance, and range of influence, and emphasizes how important it would be for Israel and the nations to fulfill their vow.
3. In order to fulfill their vow, Israel and the nations were expected to provide an agricultural offering in-kind, i.e., by observing the harvest festival of Sukkot.
4. For Israel and the nations who fulfilled their vow and simultaneously initiated the next year's vow, rain was assured. For nations, e.g., Egypt, who would not fulfill their vow by attending Sukkot, rain would be withheld.

In short, although the rabbinic era connection of Sukkoth with a water libation could be anachronistic,[252] when we view Sukkot as part of an annual agricultural vow cycle the anachronicity of the Sukkot water libation seems unlikely.[253] Despite the lack of any explicit statement in the HB that a rain vow was initiated during Sukkot, I propose that the connection of Sukkot to the tithe cycle (a type of vow cycle), adds further support to the hypothesis that Sukkot had been associated with a rain vow long before the rabbinic era. Although the ritual details surely changed from the time of Deuteronomy to Zechariah and the later rabbinic era, Sukkot and the tithe seem to have been associated with the initiation of a rain vow just before the beginning of the year's rainy season, and with the fulfillment of that same vow in the form of the tithe and Sukkot offerings, celebrated at the culmination of the year's harvest. Its enigmatic

[252] Patai, "Control of Rain," 253.

[253] Sigmund Mowinckel, *The Psalms in Israel's Worship*, trans. D.R. Thomas, vol. 2 Vols. (Nashville, TN: Abingdon, 1962), 1:94–95, 1:119-21, 2:233-35; as cited in Rubenstein, *Sukkot*, 47. Mowinckel identifies Sukkot as the harvest and new year festival in Israel that was also connected to the rainy season. He suggests that Sukkot and its traditions were among the oldest in ancient Israel's festivals, suggesting that the rabbinic connection of Sukkot with the rain vow was not novel.

position at both the beginning and the end of the year follows from its function in the harvest cycle.[254]

Even if the proposed antiquity of the Sukkot rain vow is accepted, an objection to my proposed synthesis is immediately apparent. First, because Sukkot was a festival that required actual offerings, and was one of the three annual festivals which required attendance at the central sanctuary, it would not be possible for Sukkot to be observed locally. Additionally, it would seem unlikely that the Sukkot rain vow could be fulfilled or reinitiated during the triennial tithe. In response to this objection I reiterate that local vow initiation and oath swearing (Deut 26:12-15) would not have been problematic, since they could occur anywhere detached from the cult. However, the problem is votive fulfillment, which was required to be made at the central sanctuary as a cultic offering. In response to this, I propose that the tithe only functioned as *part* of the fulfillment stage for the rain vow. Another part consisted of the many additional burnt, grain, sin, and libation offerings made at the central sanctuary (Num 29:12-38). I also reiterate Richter's and my own assessment of Deut 14:24-25 and 28-29 as amendments to or clarifications of the centralization mandate in Deuteronomy 12–16. Just as distant Israelites were not necessarily required to bring their tithes to the central sanctuary, but could exchange them locally for money, so too was the triennial tithe an amendment which allowed for the tithe to remain locally. In the triennial tithe, the implied praise and thanksgiving of the *personae miserae,* rather than the material tithe, functioned as local vow fulfillment.

I believe this is why the triennial tithe is singled out in Deut 26:12-15 as having an oath of acceptability (26:12-14) and an initiation of the next year's vow (i.e., "look down…and bless…," in 26:15). It makes little sense for the content of the vow fulfillment (the verbal praise

[254] Mowinckel, *The Psalms in Israel's Worship*, 1:119–21.

and thanksgiving) to occur locally on the one hand, and for the statements in Deut 26:12-15 to be made at the central sanctuary on the other hand. Vow initiation could occur anywhere and only material or personal devotion votives needed to be fulfilled at the central sanctuary.[255] Additionally, although the offerings of the tithe and Sukkot functioned as the culmination of the harvest year, these were not the only components of vow fulfillment. The offering of firstfruits, which signified the beginning of the harvest season and was likely associated with the feast of Shavuot, would have also been part of the rain vow fulfillment.[256] In other words, the vow need not be fulfilled all at once; it could be spread out.

Vows could take many forms in the HB. There were situational vows, taken in moments of dire need or distress. But there were also recurring or cyclical vows that operated as an ongoing cycle of transactions between God and his people. These types of vows were initiated cyclically (e.g., the vow for rain that became associated with Sukkot) and could thereby become routine rather than situational, but they were no different functionally from situational vows. At its core, a vow was: 1) a contractual agreement between a worshipper and a deity that was initiated by the worshipper according to certain guidelines, 2) that was based on a relationship or general familiarity with the deity, 3) that intended to generate divine provision, to which a deity could respond based on the terms of the contract, and 4) which was fulfilled by a lesser votive gift from the worshipper to the deity. Not all vows were situational and not all vows were

[255] The centralization mandate in Deuteronomy 12 pertains primarily to material offerings (e.g., עלות or זבחים), not vocal praise.

[256] The offering of firstfruits is loosely associated with the feast of Shavuot in Exod 34:19-22, but this connection is made explicit in Num 28:26. It is worth noting that the Feast of Weeks in Deut 16:9-12 requires a נדבה, "freewill offering." Like the tithe and votive offerings, the נדבה is categorized as a שׁלמים (Lev 7:15-18; 22:21). Note especially that freewill and votive offerings are generalized as שׁלמים in Lev 7:18 (cf. Cartledge, *Vows*, 29 n 1). Compare also to Rabbi Akiba's association of barley with Pesach, fruit trees with Shavuot, and the rains in general with Sukkot (Sifre Num 150), after Milgrom, *Numbers*, 248.

cyclical, but a vow could be either. Likewise, vows could be initiated by individuals or corporate entities.

The possibility that tithe administration during the feast of Sukkot was also part of the vow process reinforces the likelihood that Levites were involved in local oaths and vows. Additionally, the possibility that the tithed goods brought during Sukkot functioned as the culmination of the year's rain vow fulfillment, to be followed by a newly initiated rain vow that would provide for the following year's agricultural fecundity, suggests that Levitical involvement in the tithe, Sukkot, and local vows may have extended beyond generic secular scribal duties. Rather than simply recording and distributing tithed goods, as the local ritual specialists the rural Levites could have easily administered the triennial tithe fulfillment oath (Deut 26:12-15), or even the local corporate initiation of a rain vow during the triennial tithe.[257] The picture presented in this chapter is hardly of an unemployed and impoverished former priesthood. Rather, we see that the rural Levites retained their cultic function at the sanctuary and could have transitioned their local משמרת from cultic to social scribal activities.

[257] It is also interesting that part of the cyclical rain vow fulfillment may have included the offering of firstfruits. As firstborn substitutes, the Levites would have been visual representations of, and attestations to, prior and ongoing vow fulfillment.

Chapter 5: Rural Levites and Local Meat Consumption

The purpose of ritual is to impose order and control on situations that are otherwise disordered and uncontrolled.[1] Although some scholars have identified non-cultic slaughter, and its blood rite as rituals (Deut 12:15-16, 21-25), traditional modern scholarship has tended to juxtapose the rituals of the central sanctuary with behavior in the שׁערים. In light of the shift that occurred in the שׁערים in the wake of centralization, I will investigate the nuanced status of local meat consumption in the next three sections. In the final section I analyze the ritual elements and functions of non-cultic slaughter in Deuteronomy according to the method prescribed by Gerald Klingbeil, and compared to Philip Jenson's analysis of cultic gradation in P.[2] The results of this analysis will suggest that there were probably several different types of local meat consumption that existed within a graded hierarchy so that some types would have been regarded as social or domestic ritual and others as non-ritual. We begin by considering several components of Deuteronomy's depiction of non-cultic slaughter.

In the first section, I will discuss the method by which non-cultic slaughter was performed, expanding on Milgrom's interpretation of זבח as an allusion to שׁחט, and identifying the methodological similarities and differences between cultic ritual and social or domestic ritual slaughter.[3] In the second section, I will analyze the possible meaning of the phrase, על־הארץ תשׁפכנו כמים, "pour it on the ground like water" in Deut 12:16, 24 and 15:23, and suggest that it may describe a social or domestic ritual activity. In the third section, I will discuss the

[1] Douglas, *Purity and Danger*, 5; Bell, *Ritual Theory*, 179.
[2] Klingbeil, *Bridging the Gap*; Jenson, *Graded Holiness*.
[3] Milgrom, "Profane Slaughter."

significance of אוה "desire" for meat (Deut 12:15, 20-21; cf. 14:26) in light of zooarchaeological assessments of ancient meat consumption, which will suggest that although meat consumption could have been fairly open-ended with respect to scope (species of animal) and timing of slaughter, many types of local meat consumption – similar to cultic meat consumption – were probably special activities. This relates to the social or domestic ritual status of local meat consumption. In the final section, I will analyze the ritual elements and functions of local meat consumption, compare local to cultic meat consumption, and consider how the משמרת of the rural Levites could have extended from their roles in cultic meat consumption to include analogous roles overseeing and/or performing social and/or domestic rituals in some types of non-cultic slaughter.

I. זבח in Deuteronomy: An Analysis of the Method of Cultic and Non-Cultic Slaughter

In this section I summarize Jacob Milgrom's interpretation of זבח in Deut 12:15 and 21 as an allusion to שחט, the cultic and non-cultic slaughter method by which an animal's throat was cut. I also expand upon Milgrom's assessment, to suggest that שׁחט included both cutting an animal's throat and collecting its blood into a vessel.

A. זבח as שׁחט in Deuteronomy 12:15 and 21

One of the ritual elements of non-cultic slaughter is the method by which it was accomplished. However, when attempting to determine the method of non-cultic slaughter in Deuteronomy, an immediate obstacle is זבח in Deuteronomy 12. This term, which typically

denotes cultic slaughter, is also applied to non-cultic slaughter in Deut 12:15 and 21.[4] In response to this quandary, Jacob Milgrom has proposed that although זבח may be translated "to offer the זבח," in contrast to offering, e.g., an עלה, the term זבח in Deut 12:15 and 21 is synonymous with the usage of שׁחט in P. Milgrom demonstrates that when Deuteronomy cites its sources, it uses the citation formula כאשׁר צוה/נשׁבע/דבר, "just as [subject] commanded/ swore/ said."[5] These phrases function as "Deuteronomy's 'cf.,' its unique formula to indicate the sources which it assumes are so obvious to the reader that there is no need to quote them."[6] In a survey of all 32 occurrences of this citation formula in Deuteronomy, 21 cite texts in E, and 6 cite texts in P.[7]

Returning to Deut 12:21, Milgrom proposes that since זבח cannot refer to local sacrifice, since that would contradict Deuteronomy's mandate that cultic slaughter be performed exclusively at the central sanctuary (12:6, 11, 27) the use of the citation formula in 12:21 must refer to the same method of slaughter exhibited in P's presentation of cultic slaughter.[8] Although P does not describe the proper way to זבח an animal, Milgrom identifies שׁחט as the intended methodological referent.[9] In P זבח and שׁחט overlap semantically, referring to slaughter, but שׁחט

[4] Milgrom, "Profane Slaughter," 1. Milgrom notes that cultic slaughter is also connoted by the Ugaritic cognates *dbḥ* and *mdbḥ(t)*.

[5] Milgrom, "Profane Slaughter," 3.

[6] Milgrom, "Profane Slaughter," 4, 12.

[7] Milgrom, "Profane Slaughter," 4–6. He further observes that Deuteronomy, although aware of concepts in P, opposes P's policies on blood poured on the ground (Deut 12:16, 24; cf. Lev 17:13) and P's discrimination against the Levites as cultic personnel. The citation formula appears in Deut 1:11, 19, 21; 2:1, 14; 4:5; 5:12, 16, 28-29; 6:3, 19, 25; 9:3; 10:5, 9; 11:25; 12:21; 13:18; 15:6; 18:2; 19:8; 20:7; 24:8; 26:15, 18, 19; 27:3; 28:9; 29:12; 31:3; 34:9.

[8] Milgrom, "Profane Slaughter," 13.

[9] Cf. Sifre Devarim 75:7.

also refers to a particular stage in the slaughter sequence, namely, cutting the animal's throat.[10] This method is described by m. Ḥul. 2:4 as the technique of cutting the throat so that the esophagus, trachea, carotid arteries, and jugular veins were severed at once. Milgrom observes that the method was "humane," intended to attenuate the animal's suffering by rendering it unconscious as quickly as possible.[11] Milgrom suggests that this humane method of slaughter originated as שׁחט practiced in the local sanctuaries and continued into the rabbinic era as Israel's slaughter method described in m. Ḥul. 2:4. Deuteronomy's use of זבח (instead of שׁחט) in 12:21 was due to a lack of familiarity with P's sacrificial technical vocabulary.[12] So, when Deut 12:15 and 21 allowed the Israelites to practice non-cultic זבח, it intended them to understand that זבח referred to the method of slaughter, namely, to humanely cutting the animal's throat. Interestingly, this method of ritual slaughter, which continues in use for Kosher meat consumption today, is now regarded as less humane than modern methods.

[10] Milgrom, "Profane Slaughter," 14; cf. Jeffrey Tigay, *Deuteronomy*, 125 n51.

[11] Jacob Milgrom, *Leviticus*, 105–6. Milgrom seems to have changed his stance on the dependence of m. Ḥul. on biblical שׁחט. Whereas in Milgrom, "Profane Slaughter," 15 n 48, he states "[t]here is no proof, however, that the rabbinic technique of ritual slaughter…stems from biblical times," in Milgrom, *Ritual and Ethics*, 106, he takes a firmer stance stating, "[t]he rabbis themselves are ignorant of the humane origins of their method and point to [Deut 12:21] as proving that the same technique was employed by the biblical priest." On ethical treatment of animals, including slaughter, see also Sandra Richter, "Environmental Law in Deuteronomy: One Lens on a Biblical Theology of Creation Care," *BBR* 20 (2010): 368–75.

[12] Milgrom, "Profane Slaughter," 15. For example, Milgrom highlights Deuteronomy's depiction of sacrificial blood applied to the altar by שׁפך, "pouring out," in 12:27, rather than by the more accurate term זרק, "sprinkle." I am not sure I fully agree with Milgrom's assessment of Deuteronomy's ignorance of technical terminology. In section IIA, I address the use of שׁפך in Deut 12:27 as not necessarily inaccurate, but referring to a different level of blood pouring against the base of the altar, rather than the sprinkling that occurs on the top/horns. In the busy cultic atmosphere, a lay observer might not notice a priest's subtle sprinkling of blood on the altar, but she would notice a dramatic pouring out of the animal's remaining blood at the base of the altar. Additionally, it is difficult to know whether the author of Deuteronomy 12 wrote with a limited cultic vocabulary because of the limitations of his own knowledge or his audience's knowledge.

Modern humane slaughter methods in most developed and developing countries require an animal to be stunned and rendered unconscious before they are slaughtered.[13] Because Kosher practice has traditionally not accommodated animal stunning, the authors of the United Nations Food and Agriculture Organization *Guidelines for Humane Handling, Transport, and Slaughter of Livestock* add "many authorities consider that religious slaughter can be very unsatisfactory and that the animal may not be rendered unconscious and suffer considerable discomfort and pain in the slaughter process."[14] In order to ensure the most humane conditions for slaughter, they further advise several factors to be considered before attempting ritual slaughter:

1. Restraint: The animal should be properly restrained, since movement could result in a poor cut, bad bleeding, slow loss of consciousness, and pain.
2. Knife Quality: The knife must be razor sharp and without blemishes or damage to ensure maximum bleeding.[15] Slow bleeding causes blood to be retained in the tissue, which may result in reduced meat quality or early spoilage.[16]
3. Operator Competence: Because animals who are not stunned remain conscious and experience pain until sufficient blood is lost, it is essential for slaughterers to be highly skilled in order to make the most effective cut that renders the animal unconscious in a minimal amount of time[17]

Guidelines summarizes their advice for ritual slaughter by suggesting that it "should be carried out paying attention to detail and ensuring the method, equipment, and operators are correct."[18]

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[13] Gunter Heinz and Thinnarat Srisuvan, eds., *Guidelines for Humane Handling, Transport, and Slaughter of Livestock*, RAP Publication (Food and Agriculture Organization, 2001), 74.
[14] Heinz and Srisuvan, *Guidelines*, 74.
[15] Heinz and Srisuvan, *Guidelines*, 76.
[16] Heinz and Srisuvan, *Guidelines*, 78.
[17] Heinz and Srisuvan, *Guidelines*, 75.
[18] Heinz and Srisuvan, *Guidelines*, 75.

If a goal of the ancient Israelite method of שׁחט was truly to accomplish humane slaughter, as e.g., Milgrom and Richter have asserted, then the modern advice of *Guidelines* has implications for the details of ancient Israelite animal slaughter that are not always apparent in the text:

1. Restraint: The Bible and Mishnah seem to lack any overt description of how slaughtered animals would have been restrained. However, the advice in *Guidelines* suggests that some method of restraint would have been essential to ensure that שׁחט was performed properly (especially by the Mishnah's כשׁר standards). The easiest solution may have been for one or more members of the slaughterer's household to restrain the animal while it was slaughtered. Although this may not have qualified them as ritual specialists, they *were* ritual participants, which is relevant to my assessment in section four.
2. Knife Quality: In the cultic context, we should expect that a ritual blade was used, namely, a smooth blade (e.g., a hand sickle, flint, or reed blade), rather than a rough blade (e.g., a scythe, saw, or toothed blade), since the former were more humane and the latter would tear the animal's flesh and induce choking and blood retention (m. Hul. 1:2). Interestingly, this is supported by *Guidelines'* suggestion that a razor sharp unblemished blade be used. Although it is impossible to demonstrate that a ritual blade was used in local slaughter, if the same humane concerns guided both cultic and local slaughter, then the use of a specific type and/or quality of blade would have been necessary in both settings.
3. Operator Competence: Although Lev 3:2 and Mishnah Ḥullin 1–2 allow laypeople to perform slaughter themselves, and m. Ḥul. 1:1 even allows disabled or immature people to slaughter if they are overseen by others, the concern for humane slaughter suggests

that a ritual specialist would have performed the task better. If meat consumption in ancient Israel was relatively infrequent, there would have been few opportunities for a layperson to develop competence in the slaughter method. However, a ritual specialist who performed cultic slaughter *en masse* at least three times a year would have been highly competent to perform humane local slaughter. This does not mean that a non-specialist could not perform local slaughter, but that a ritual specialist would have been preferred over a layperson whenever possible.

In summary, cultic slaughter (שׁחט) was intended to attenuate the animal's suffering and consciousness, and this is the method which Deuteronomy seems also to require for non-cultic זבח, based on a similar concern for humane slaughter practices. In light of this, we can infer that similar ritual objects (i.e., a razor sharp, unblemished blade) and participants would have been required for local slaughter in order to ensure that the animal was well-restrained (e.g., by the animal's owner and household), and that the method of slaughter was performed efficiently and humanely by a skilled slaughterer (i.e., the ritual specialist). These details pertain to our analysis of ritual elements in section four.

B. The Extended Meaning of שׁחט

Besides Milgrom's assessment of זבח performed according to the method of שׁחט, and the additional suggestion that a smooth blade may have been used in non-cultic slaughter, we may add an additional step and an additional object to the method and tools of non-cultic slaughter. The additional step would have been the collection of blood, and the additional object would have been the vessel into which blood was collected. Although there are some examples of ritual slaughter in which it is unclear whether the blood was ritually applied to an object, e.g., an altar

(1 Sam 14:31-35), or when the slaughter occurred in a non-cultic context and the blood flowed straight to the ground (Lev 17:12-13),[19] most cultic slaughter required blood to be ritually applied to specific objects. The steps involved in this process varied depending on the nature of the sacrifice.

After the completion of שׁחט, the animal's blood is transported–i.e., taken (לקח/קבל), brought (קרב/בוא), or handed (מצא)–but this step could also be elided from textual descriptions of the ritual sequence.[20] Following transportation, the blood may be ritually applied to objects by a variety of methods including: sprinkling (זרק), putting (נתן), pouring (שׁפך), spattering (נזה), dipping (טבל), hiding/covering (כסה), putting (שׂים), draining (מצה), burning (שׂרף), or pouring (יצק). The most frequently attested applications of blood are sprinkling (זרק), putting (נתן), pouring (שׁפך), and spattering (נזה).[21] It is also common for textual descriptions to abbreviate the

[19] This example, although social, domestic, or non-ritual at best, and occurring in a non-cultic context, may have also included blood collection, depending on the interpretation of שׁפך, as will be discussed in section two.

[20] Blood is לקח, "taken," (Exod 12:7, 21; 29:11, 16, 20; Lev 4:4, 24, 29, 33; 8:15, 23; 14:13, 25; Lev 16:11 (cf. 16:14); Num 19:3); קבל, "taken," (2 Chron 29:22); קרב, "brought," Hifil (Lev 1:5; 9:8); בוא, "brought," Hifil (Lev 4:15; 6:18 (cf. בוא in 6:23); 16:15; 17:3-6, note the exchange of שׁחט for זבח); מצא, "handed," Hifil (Lev 9:12, 18). The use of לקח may also be a more general reference to …

[21] Blood application verbs by frequency are: זרק, "sprinkle" 24 times (Exod 24:6, 8; 29:16, 20; Lev 1:5, 11; 3:2, 8, 13; 7:2, 14; 8:19, 24; 9:12, 18; 17:6; Num 18:17; 2 Kgs 16:13, 15; Ezek 43:18; 2 Chron 29:22; 30:16); נתן, "put" 18 times (Exod 12:7; 29:12, 20; Lev 4:7, 18, 25, 30, 34; 8:15, 23, 24; 14:14, 25; 16:18; Ezek 16:36; 24:8; 43:20; 45:19); שׁפך, "pour" 11 times (Exod 29:12; Lev 4:7, 18, 25, 30, 34; 17:13; Deut 12:16, 24, 27; 15:23); נזה, "spatter" 9 times (Exod 29:21; Lev 5:9; 6:20; 8:30; 16:14, 15, 19; Num 19:4); טבל, "dip" 7 times (Gen 37:31; Exod 12:22; Lev 4:6, 17; 9:9; 14:6, 51); כסה, "hide/cover" 2 times (Gen 37:26; Lev 17:17); שׂים, "put" 2 times (Exod 24:6; Ezek 24:7); מצה, "drain" 2 times (Lev 1:15; 5:9); שׂרף, "burn" 2 times (Lev 6:23; Num 19:5); יצק, "pour" 2 times (Lev 8:15; 9:9). Blood function verbs by frequency are: כפר, "to atone" 4 times (Exod 30:10; Lev 6:23; 16:27; 2 Chron 29:24); חטא, "to cleanse" 3 times (Lev 14:52; Ezek 43:20; 2 Chron 29:24); עשׂה, "to make" an עלה, "burnt offering" 2 times (Deut 12:27; Isa 66:3); כבס, "to wash" 1 time (Gen 49:11); שׁחט, "to offer with slaughter" 1 time (Exod 34:25); זבח, "to offer with slaughter" 1 time (Exod 23:18); מלא, "to fill" 1 time (Jer 19:4). Blood is applied by

entire ritual process, skipping directly from the act of שחט to applying blood to the altar, or even skipping ahead to meat consumption.[22] Although each of these stages appears in textual descriptions of the ritual slaughter process, one step in the process that is consistently elided is the collection of blood into a vessel. Since blood is described as transported from the slaughter site to the ritual blood application site, it must have been collected into a vessel. Yet, the vessels are rarely mentioned in the text and the step of blood collection seems to be elided entirely. This interpretation is supported by a *handful* of texts used in association with שחט.[23]

Ezekiel 40:42 does not explicitly state that blood was collected, but refers to the use of כלי associated with slaughtering the עלה. While כלי may mean "vessel," it can also refer broadly to cultic "utensils, equipment," which seems to be more likely here. However, the general assemblage of sacrificial implements would have included *inter alia*: קערה, "plates," כף/כפור, "cups/bowls," מנקית, "libation bowls," קשׂוה, "pitchers," מזרק, "wine bowls," מזלג, "three-prong meat forks," and/or סיר, "pots."[24] So, כלי at least alludes to object used for blood collection during שׁחט, though it seems unlikely that כלי refers to the exact vessels that were used.[25]

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dipping (טבל) after שחט (Gen 37:31; Lev 14:5-6, 50-51); and by sprinkling (זרק) after שׁחט (Lev 1:11; 3:2, 8, 13; 7:2; 8:19; 9:12, 18; 2 Chron 29:22 (2 times)).

[22] שׁחט is immediately followed by the חטא in Lev 9:15 (cf. חטא (Piel) as a functional description meaning "to purify" in 2 Chron 29:24), by the עלה in Lev 14:19; Ezek 40:39, 41, 42; 44:11, and by the פסח in 2 Chron 35:1, 6. שׁחט is followed by אכל in Isa 22:13 and Ezra 6:20.

[23] Ezekiel 40:42, 2 Chron 30:15-16; 35:11; 1 Sam 14:32-35; Lev 14:5, 6, and 50.

[24] For lists of the utensils used in cultic slaughter, including sacrificial and cooking utensils, cf. Exod 25:29; 27:3; 38:3; 37:16; Num 4:7, 14; 1 Kgs 7:40, 45; 1 Chron 28:17; Jer 52:18-19.

[25] The most likely vessel for collecting the initial blood of the animal may have been the כף, which can refer to "handlike" objects, e.g., bowls or saucers, cf. P. Ackroyd, "יד," in *TDOT*, 5:405. However, a larger vessel would have been required for collecting the rest of the blood.

Second Chronicles 30:15-16 and 35:11 state that after שׁחט the priests sprinkled (זרק) the animal's blood מיד הלוים, "from the hand of the Levites."[26] Besides attesting to the ritual sequence of cultic slaughter, these texts describe the priests and Levites functioning in their cultic slaughter roles.[27] Even so, for the blood to move from שׁחט (which only referred to cutting the animal's throat), to the יד הלוים, and finally to זרק seems to be missing the stage during which the blood was collected into a vessel held in the יד הלוים.[28] Besides these allusions to the vessels used in blood collection, the process is typically only described explicitly when blood was collected in unusual ways.

The most explicit example of שׁחט followed by blood collection is the slaughter of birds to cleanse a leper (Lev 14:5-6, 50-51). This account describes the שׁחט of a bird אל־כלי־חרשׂ, "in(to) a clay vessel," (14:5).[29] In this case, the description of slaughter אל־כלי־חרשׂ was probably not motivated by the novel use of a כלי, but by the small size of the animal that necessitated a different ritual method and/or location of slaughter than was typical of larger animals. Rather than being slaughtered over the vessel so that its blood drained into it, the small size of the bird and the small quantity of blood probably necessitated the clarification in this ritual text that the

[26] 2 Chronicles 30:15-16; cf. 35:11.

[27] E.g., שׁחט, קדשׁ, עמד על־משמרת, and עמד על־עבדה; "to slaughter, to bless, to stand for manual labor, and to stand for guard duty;" cf. 2 Chron 35:2.

[28] The phrase יד הלוים more easily refers to the collection of blood into a bowl held by the Levites, rather than to the collection of blood directly into the hand of the Levites. An interesting synonym of יד is כף, which often refers to the hollow/palm of a hand, but can also refer anthropomorphically to a "bowl;" cf. Exod 25:29; Num 7:14, 84, 86; 1 Kgs 7:50; Jer 52:18; Köhler, *HALOT*, 492. though these cultic bowls are described containing incense, libations, and/or oil rather than blood.

[29] This process is copied for the cleansing of a leprous house (Lev 14:50-51).

bird must be slaughtered in(to) the vessel in order to collect a sufficient amount of blood. Also anomalous to this ritual procedure is the use of two sacrificial animals for a single ritual. Typically, one animal was slaughtered, and its blood was used for ritual purposes. In this case one bird was slaughtered and the other bird was dipped in its blood.

Finally, Exod 24:5-8 initially seems like a promising description of blood collection. It describes the performance of עלה and שׁלמים offerings and the division of the blood into halves. One half was sprinkled (זרק) on the altar, and the other half was explicitly collected (שׂים) into bowls (אגן) and sprinkled (זרק) on the people. As usual, the ritual sequence skips from the acts of slaughter (i.e., עלה and זבח) to the transportation or utilization of blood (לקח) (Exod 24:5-6), and completely elides the collection of blood before it was transported.[30] However, the next stage in the ritual is uniquely staggered. Half of the blood is ritually applied to the altar by sprinkling (זרק), but the other half is anomalously put (שׂים) into bowls and later ritually applied to the people by sprinkling (זרק).[31] Although the verb שׂים actually describes the collection of blood into bowls, it does not record the immediate collection of blood that would have occurred at the same time as the acts of עלה and זבח, as we might expect. Rather the use of שׂים instead describes a later stage in the ritual sequence. This is confirmed by the grammar, which uses the Past Narrative/*vav*-consecutive conjugation for all of the verbs in 24:5-8 *except* the sequence involving the putting and sprinkling of the blood in 24:6. Whereas the Past Narrative conjugation

[30] In this sequence, the use of לקח may not refer to the transportation of the blood, as elsewhere, but may instead refer to the fetching of the blood for application. In other words, he may have had the blood immediately proximate to him, which he then took and separated into vessels and bowls.

[31] Exodus 24:6, 8.

denotes progression through the ritual sequence in the rest of the text, in v. 6 the use of the Past Narrative for שׂים, followed by the Perfect for זרק suggests that these events were logically or otherwise more closely related than the other Past Narrative events.[32] The use of שׂים must therefore signify a pragmatically motivated additional stage in the ritual sequence that was meant 1) to separate blood designated for the altar from blood designated for the people and 2) to allow a delay in the usual ritual progression so that Moses could recite the covenant and the people could accept it before the blood could be applied to them. In short, the reference to putting blood in bowls in Exod 24:6, although it initially appears to describe the initial blood collection act, actually describes an altogether different and anomalous stage in the ritual sequence.

To summarize, although a few texts allude to vessels used for blood collection, the stage of blood collection is consistently elided in the ritual sequence of cultic slaughter. Additionally, it is not uncommon for one or more stages in the ritual sequence to be abbreviated.[33] However, based on the ritual stages that are explicitly described in cultic slaughter texts, we have reason to believe that blood collection did occur. If so, the full ritual sequence of cultic slaughter would have proceeded as follows:[34]

1. The animal was brought (בוא/קרב) forward.

2. The animal was slaughtered (שׁחט) and its blood was collected into a vessel.

[32] John A. Cook, *Time and the Biblical Hebrew Verb: The Expression of Tense, Aspect, and Modality in Biblical Hebrew*, Linguistic Studies in Ancient West Semitic 7 (Winona Lake, IN: Eisenbrauns, 2012), 296.

[33] There are several texts in which שׁחט appears alone for the entire ritual sequence: Gen 22:10; Exod 34:25; Lev 22:28; Num 11:22; 1 Sam 1:25; Isa 66:3.

[34] Jacob Neusner, *The Babylonian Talmud: A Translation and Commentary*. vol 18b (Peabody, MA: Hendrickson, 2011), iv, observes in b. Zebaḥ. a similar four stage ritual sequence: 1) slaughter, 2) blood collection in a vessel, 3) blood transportation to the altar, and 4) application of blood to the altar. The sequence is also paralleled in m. Meg. 2:5, where the blood collection stage is also missing, but implied.

3. The animal was butchered, and its collected blood and parts were transported to the altar (לקח/ קבל/ קרב/ בוא) to be handed over (מצא) to the altar priest.

4. Some of the blood was applied to the altar, e.g., by sprinkling (זרק), putting (נתן), or spattering (נזה), and any remaining blood was applied by pouring it out (שפך).[35]

5. The animal parts were presented as an offering (e.g., חטא or שלמים) or boiled (בשל).

6. The meat was consumed (unless it was an עלה).

To conclude, if the blood of a slaughtered animal was intended to be used for ritual application, it seems that the blood would have been collected in a vessel at the same time as the act of שחט, transported to the area of application, and then applied. Overall, this analysis clarifies both the cultic, social, and domestic ritual method (שחט), which required blood collection, and it clarifies the objects used in cultic, social, and domestic slaughter, i.e., a blade and a blood collection vessel. In our ritual analysis of non-cultic slaughter this is relevant because we will see that for several types of non-cultic slaughter the blood was applied to the ground in what may have been a social or domestic ritual act (Deut 12:16, 24).

II. "Pour it on the ground like water" : An Analysis of the Non-Cultic Blood Rite (Deut 12:16, 24)

In cultic slaughter blood had a purifying function and could be applied to objects in a variety of ways, e.g., sprinkling, putting, spattering, or pouring, as noted above. In Deuteronomy's description of cultic slaughter, this variety of blood application methods was

[35] On pouring leftover blood at the base of the altar, cf. Exod 29:12; Lev 4:7, 18, 25, 30, 34; 8:15; 9:9.

condensed into one: pouring on the altar. Deut 12:27 states, "You shall make/offer your burnt offerings, the flesh and the blood, on the altar of the Lord your God, whereas the blood of your sacrifices you must pour on the side of the altar of the Lord your God, and you may eat the meat."[36] This limited presentation of blood applications to the altar may be due to Deuteronomy's lack of familiarity with cultic terminology (as found in P),[37] or due to the audience's ability to perceive vast quantities of poured blood more easily than small quantities of sprinkled or dabbed blood.[38] Another possibility is that the author(s) intended to create an analogy between blood application at the sanctuary and in the שׁערים, where Deuteronomy also advocated the pouring (שׁפך) of blood, except on the ground.[39]

Deuteronomy 12:16 states "Except the blood you must not eat. You must pour it on the ground like water." Similarly, Deut 12:24 states "You must not eat [the blood]. You must pour it on the ground like water."[40] Commentators have suggested that this blood application was motivated by the special symbolism of blood as נפשׁ (Craigie), that it was intended to contrast the pouring of blood on the altar in 12:27 (Tigay and Lundbom), that it compared to later praxis in Muslim Arabs' slaughter (W. Robertson Smith), that it was a desacralized version of the blood consumption prohibition in Lev 17:10-14, though the draining of the blood was intended to

[36] Cf. Exod 20:24; Nelson, *Deuteronomy*, 161. Lundbom, *Deuteronomy*, 438, observes that LXX Deut 12:27 specifies that blood must be poured out, πρός τὴν βάσιν του θυσιασηρίου κυρίου τοῦ θεοῦ σου, "toward the pedestal of the altar."

[37] Milgrom, "Profane Slaughter," 15.

[38] Deuteronomy's description may also be intended to distinguish between the cultic and non-cultic locations of blood-related rites.

[39] Deuteronomy 12:16, 24. A comparison can be made between blood application and modern American coffee brewing. Although a variety of options exist for how the coffee is brewed (e.g., auto-drip, cold brew, French press), there are some who prefer specific methods, e.g., the pour-over method. In other words, Deuteronomy's description of blood application in the pour-over method suggests that its authors may have been the ancient Israelite predecessors to modern American hipsters.

[40] Cf. Deut 15:23.

return it to God (Milgrom), that it was a ritual deprived of "any sacral significance" (Von Rad), and that the blood was treated with respect, but was not used ritually (Nelson).[41] Overall, scholars seem to interpret the non-cultic blood pouring as either a social, domestic, or non-ritual analog of the cultic blood rite. My assessment of blood application in Deut 12:16 and 24 will attempt to clarify the nature of the act and its status as a social or domestic rite, with attention paid to three elements of the act: pouring the blood, the meaning of the phrase כמים, "like water," and the location of the rite על־הארץ, "on the ground." Several points in my assessment will draw insight from relevant texts in the Mishnah, so it is important to recognize from the outset the limitations of the Mishnah's perspective.

The Mishnah was understood as the oral Torah of Moses, though it was written at the end of the second century CE.[42] It seems to be written from a priestly and/or scribal perspective, but this does not mean that everything it records can be used to interpret the thoughts and practices of the ancient Israelites, as if the Hebrew Bible and the Mishnah were "coequal."[43] Rather, from the perspective of the Talmud, the Mishnah stands at an early stage in the history of Jewish biblical interpretation.[44] As an interpretive document, the Mishnah is also more reliable in some sections than in others when it attempts to reflect the same ideals of the HB. Jacob Neusner observes that all the cultic tractates in the Mishnah's second division (on appointed times) and most of its fifth division (on holy things) simply restate scripture in the Mishnah's own words, and are therefore more reliable for scriptural insight. Other tractates are less reliable, in

[41] Craigie, *Deuteronomy*, 219; Tigay, *Deuteronomy*, 124; Lundbom, *Deuteronomy*, 436; William Robertson Smith, *Lectures on the Religion of the Semites: The Fundamental Institutions* (London: A & C Black, 1894), 235; Milgrom, *Leviticus 1-16*, 713; von Rad, *Deuteronomy*, 93; Nelson, *Deuteronomy*, 154.

[42] Neusner, *Mishnah*.

[43] Neusner, *Mishnah*.

[44] Neusner, *Mishnah*.

Neusner's view, because they tend to be more interpretive of scripture or they address problems that are at best only loosely related to topics in the HB, e.g., m. Miqvaot.[45] Our consideration of the Mishnah will include material from exactly these tractates, namely, m. Sukkah (second division), and Zebaḥim and Ḥullin (fifth division). As we proceed with references to the Mishnah, I believe the texts I draw from will help to illumine some of Deuteronomy's perspective on local meat consumption. However, it is important to keep in mind that the Mishnah at most can only ask questions of scripture that were relevant to its own authors several centuries after Deuteronomy was written.[46]

A. Poured Blood

In section one I noted that the two roots used to denote the pouring of blood are שׁפך and יצק. When blood (דם) is the object of these verbs in a cultic context, it is always described as being poured out אל־יסוד המזבח, "onto/against the base of the altar."[47] Although Deut 12:27 deviates slightly from this formulaic phrasing, using על instead of אל, and omitting יסוד, it describes essentially the same circumstances.[48] The shift of preposition may be deliberate, resulting in a translation of "beside the altar," but in either case the intended location is somewhere on the side (rather than the top) of the altar. The omission of יסוד, which may be one of the technical terms with which Deuteronomy (or its audience) was unfamiliar, is substituted

[45] Neusner, *Mishnah*.

[46] Neusner, *Mishnah*.

[47] This exact phrase is used formulaically in Exod 29:12; Lev 4:7, 18, 25, 30, 34; 8:15; 9:9. The only difference is the use of שׁפך as the verb for the majority of these, and יצק as the verb in Lev 8:15; 9:9. Cf. R. Liwak, "שׁפך," in *TDOT*, 15:433–34.

[48] Köhler, *HALOT*, 50. The alternation of על for אל is a common occurrence in BH.

for more verbose phrasing in 12:27, but it is not conceptually absent.[49] The contrast between the pouring of cultic blood על־מזבח and making cultic blood a burnt offering (ועשׂית עלתיך הבשׂר והדם), supplies a locative distinction. The blood that was made into a burnt offering was applied on top of the altar, whereas the poured blood was applied to the bottom and side of it, i.e. "beside/against" the altar's יסוד. So, in every text that describes the pouring of blood in a cultic context, whether the text uses שׁפך or יצק, the blood was applied to the lower side (יסוד) of the altar, in contrast with blood that was applied by different methods to different locations, e.g., to the horns (על־קרנות).

This locative distinction is upheld by Mishnah Zebaḥim, which locates poured blood at the southwestern corner of the altar below a red line (m. Zebaḥ. 6:2). This red line was constructed on the altar based on Exod 27:5, which distinguished the altar's base from its top.[50] Whereas the water libation (m. Sukkah 4:9, 10) and the wine libation were poured out (שׁפך), and the עלה of fowl was squeezed (מצה) in the southwestern corner above the red line, the blood of fowl חטאת was squeezed (מצה), grain offerings were brought, and all other remnant blood not applied elsewhere was poured (שׁפך) in the southwestern corner below the red line (m. Zebaḥ. 6:2). Some blood was applied directly to the side of the altar's יסוד, but poured blood was dumped into two drains in its southwestern corner (cf. b. Zebaḥ. 53a). In short, there were three

[49] Milgrom, "Profane Slaughter," 15.

[50] Cf. m. Mid. 3:1; b. Zebah. 53a; Paul Heger, *The Three Biblical Altar Laws: Developments in the Sacrificial Cult in Practice and Theology: Political and Economic Background*, BZAW 279 (Berlin: De Gruyter, 1999), 188–91; Sarna, *Exodus*, 173.

levels of gradation at the altar: above the red line, below the red line, and the gutter. Additionally, the location of blood application within this schema related to the status of the offering. For example, the שלמים required two acts of placing (נתן) blood (above the line and below the line; cf. m. Zebaḥ. 5:7), whereas בכור and מעשׂר slaughter required only one act of placing blood (below the line; cf. m. Zebaḥ. 5:8; 6:4).[51]

A further nuance exists for fluid poured into the gutter, which could include not only leftover sacrificial blood, but also mixed blood. Namely, blood that had been mixed with unfit offerings (פסולין), with blood that came out after death, with blemished animals (מומים), and with blood that should have been applied to the smaller sanctuary altar.[52] The concern was for ritual efficacy/validity (כשׁר). The problem was that blood held a status relative to the offering it was connected to, and that the mixture of one status of blood with blood of another status might render the entire sacrifice inefficacious (פסול). Thus, mixed blood could be poured into the gutter without invalidating the sacrifice.[53] So, we see that the Mishnah has a graded conception of altar blood, connecting the location of blood pouring with the blood's ritual status, and even blood poured into the altar's gutter was not disposed of in a non-sacral manner but retained a relatively sacral status.

Working our way back toward Deut 12:27, we may observe a similar, albeit less explicit, gradation of altar blood in the Pentateuch. The gradation of altar blood is distinguished by the altar's architecture and the correlating use of terms for blood application. With respect to the

[51] On the graded status of cultic offerings, which was based partially on where the blood was applied, cf. m. Zebaḥ. 10:2-3.

[52] M. Zebaḥim 8:7, 8, 11; cf. the summary in m. Ḥul. 6:5.

[53] E.g., m. Zebaḥ. 8:9.

altar's architecture, there seem to have been three zones: the horns, the top, and the base.[54] Blood could be applied to the horns by means of putting (נתן), and any leftover blood was poured (שׁפך/יצק) upon the base of the altar.[55] Blood could also be applied to the altar proper (e.g. the קיר "wall" of the altar, cf. Lev 5:9), without necessarily being applied to the horns, by means of sprinkling (זרק) or spattering (נזה), and any leftover blood was poured (שׁפך) or in the case of birds, squeezed (מצה) at the base of the altar.[56] So, there is a correlation between *how* blood was applied and *where* it was applied. With respect to the altar, the highest grade of blood was put (נתן) on the horns, the middle grade of blood was sprinkled (זרק) on the altar proper, and the lowest grade of blood was poured (שׁפך) on, beside, or against the base of the altar.

Returning to Deut 12:27, we are reminded that the blood was poured (שׁפך) on, beside, or against the altar. While it is certainly possible that Deuteronomy has conflated the different methods of blood application and the different zones of the altar into one method (שׁפך) and one location (על-מזבח), or that Deuteronomy has highlighted the more conspicuous act of pouring blood rather than the inconspicuous acts of sprinkling and putting, we cannot be certain how much Deuteronomy or its audience knew about altar blood application. However, considering the above assessment of altar gradation I believe we can be more certain of what Deuteronomy describes. If the pouring of blood beside/against the altar referred primarily to the pouring of

[54] Cf. Exod 27:5 and Ezek 43:13-17.

[55] Exodus 29:12; Lev 4:7, 18, 25, 30, 34; 8:15; 9:9; 16:18.

[56] Exodus 24:6; 29:16, 20; Lev 1:5, 11; 3:2, 8, 13; 5:9; 7:2; 8:19, 24; 9:12, 18; 17:6; Num 18:17; cf. 2 Kgs 16:13, 15; 2 Chron 29:22.

leftover blood, as the use of שׁפך typically suggests, and if the location beside/against the altar is to be distinguished from the altar proper and/or the altar's horns, then Deut 12:27 may describe the specific stage in the ritual sequence, after sprinkling blood on the altar proper or putting blood on the horns, when the leftover blood was poured out at the base of the altar. In other words, Deut 12:27, like other Pentateuchal texts and the Mishnah, seems to evince an awareness of blood gradation based on the method and location of application. The grade of blood that Deut 12:27 is the lowest status leftover blood, which in m. Zebaḥ 6:2 was also poured (שׁפך) below the altar's red line and into the gutter (cf. m. Zebaḥ 8:7, 8, 11). Interestingly, the blood of non-cultic slaughter was also poured (שׁפך) in Deut 12:16, 24, and 15:23, and this blood is described as "like water," which also happens to be the ritual status of some of the blood that the Mishnah describes as poured into the gutter, as I will discuss in the next section.

B. Like Water

The phrase, על־ארץ תשׁפכנו כמים, "you must pour out [the blood] on the ground like water," (Deut 12:16, 24; 15:23) seems relatively simple. Namely, it seems to instruct the Israelites in the manner of blood disposal. This is at least supported by the use of שׁפך in the cultic context, where it seems to describe the disposal of cultic blood at the base of the altar. The parallel use of שׁפך in Deut 12:16, 24, and 15:23 suggests that these texts likewise describe the disposal of non-cultic blood. However, the phrase כמים, "like water," adds an additional layer of complexity to the phrase. Most scholars who address this phrase focus on the pouring of blood as

a general ritual action or discuss the significance of prohibited blood consumption.[57] Nelson identifies blood as powerful and worthy of respect, and suggests that the phrase כמים referred to water that was "ritually neutral," which may relate to our categories of social and domestic ritual.[58]

From a syntactical perspective, the prepositional phrase כמים must either modify the verb שׁפך or the object of the verb ו ("it," i.e., the blood). Although it is more likely that the prepositional phrase modifies the verb than the object of the verb, we are left wondering about the semantics of this relationship. We must inquire "*How* is blood 'like water'?" Does the phrase mean that blood is like water in consistency, i.e., as a fluid? Does it refer to the method of pouring, i.e., "just as one pours water, so you must pour blood"? Or, does it refer to the status and/or function of blood? We might also ask "*How else* could blood be poured?" Or, "How does one pour like water, as opposed to e.g., pouring like oil or grain?" A survey of כמים in the HB reveals that several concrete and abstract things are "like water."[59] The usage of כמים can be divided into several sematic categories.[60] It may draw upon the fluid nature of water as difficult to contain and easily released, in order to describe personal attributes, character, or behavior, and

[57] Craigie, *Deuteronomy*, 219, connects the ritual to blood's symbolism of life, but says nothing of כמים. Tigay, *Deuteronomy*, 124, observes a contrast between pouring blood on the ground (12:16, 24) and pouring it on the altar (12:27), and makes a further connection to the blood of game animals (Lev 17:11-14), but says nothing of כמים. Milgrom, *Leviticus 1-16*, 713, interprets the pouring of blood as a means of returning it to God, but does not elaborate on כמים. von Rad, *Deuteronomy*, 93, identifies blood pouring in Deut 12:16 and 24 as a ritual, but it is "denied the character of a sacrifice (it is to be like water)," though he fails to explain כמים. Lundbom, *Deuteronomy*, 436, observes that pouring on the ground (Deut 12:16, 24) contrasts pouring against the altar (12:27).

[58] Nelson, *Deuteronomy*, 154.

[59] The phrase כמים appears in Gen 49:4; Deut 12:16, 24; 15:23; 2 Sam 14:14; Isa 11:9; Jer 51:55; Hos 5:10; Amos 5:24; Mic 1:4; Hab 2:14; Ps 22:15; 79:3; 88:18; 109:18; Job 3:24; 11:16; 15:16; 27:20; 34:7; Prov 27:19; Lam 2:19.

[60] Not including the uses of כמים in Deut 12:16, 24; 15:23.

often in a negative light.[61] It may draw upon the fluid nature of water as a substance which covers over an area, in order to describe the attributes, character, knowledge, or behavior of God.[62] It may describe the extraordinary melting of mountains (Mic 1:4), drawing again upon the fluid nature of water, or it may describe waves and voices as loud (Jer 51:55), drawing upon the aural quality of water. So far, none of these uses seems to provide a compelling explanation for how כמים is used in Deuteronomy 12. However, two additional uses of כמים are especially promising.

It may describe a cultic event, drawing upon the ritual function and status of poured blood (Ps 79:3). This text is informed by Ezek 39:17-24, which presents the slaughter of Jerusalemites as God's sacrifice that was "for the birds." The simile may also relate to the slow pouring (נגר) that eventually leads to death (2 Sam 14:14; Ps 22:15; cf. Jer 18:21; Ezek 35:5; Ps 63:11), and which is nuanced in 2 Sam 14:14 as blood, "which cannot be gathered."[63] This root is subtly different from שׁפך in that it seems to be used to describe a slow pouring, flowing, or spilling of a liquid. However, it is not significantly different because both שׁפך and נגר are used in Ps 22:15 and 2 Sam 14:14 to refer to the synonymous pouring of a person "like water," which is anticipated as leading to that person's demise. Additionally, the inability to re-collect blood that has been poured (שׁפך/נגר) "like water" distinguishes blood from other substances which could be re-collected if spilled, e.g., grain. In relation to Deuteronomy, we see a thematic connection in the equation of blood with נפשׁ, so that pouring blood on the ground כמים signified

[61] Genesis 49:4; Ps 109:18; Job 3:24; 11:16; 15:16; 34:7; Prov 27:19; Lam 2:19.

[62] Isaiah 11:9; Hab 2:14; Hos 5:10; Ps 88:18; Job 27:20; Amos 5:24.

[63] The verb used in 2 Sam 14:14 for the pouring of blood is נגר, which occurs only in: 2 Sam 14:14; Jer 18:21; Ezek 35:5; Mic 1:4, 6; Ps 63:11; 75:9; 77:3; Job 20:28; Lam 3:49.

the final stage in the animal's death, when the blood had been rendered incapable of being re-collected and the נפשׁ of the animal was transferred from its body into the ground.[64] We may also observe that the inability of blood to be re-collected relates to the blood consumption prohibition (Deut 12:16, 24; 15:23). Whereas substances that were not כמים, e.g., grains, could be re-collected and consumed after initially being poured out, substances that were כמים could not. Pouring the blood out כמים would have made its later consumption or use for other purposes an impossibility. So, pouring blood כמים seems to have been symbolic for death, and was a pragmatic means of preventing blood consumption. In addition to this interpretation of the phrase, it is possible that כמים also describes the ritual status and function of blood that is poured out on the ground in a non-cultic context (in contrast to the status of blood poured on the altar in 12:27). Namely, the ritual status of the blood is equal to water, rather than blood, and its function was purification and/or agricultural stimulation. This notion is based on the Mishnah's grading of blood according to ritual status.[65] Although we should not assume that Deuteronomy has the same model of gradation in mind (or that this model of gradation necessarily existed as early as Deuteronomy), the possible correlations between Deuteronomy's water-like blood and a similar conception in the Mishnah are worth considering.

When blood was sprinkled, spattered, or placed on the altar it retained its intended ritual function relative to the type of offering with which it was associated. For example, the blood of a

[64] Cf. Milgrom, *Leviticus 1-16*, 708–9, on the sanctity of the נפשׁ of non-cultic animal blood.

[65] Without the Mishnah, the meaning of כמים is ambiguous, since the HB lacks a clear definition of כמים as a ritual status for blood.

חטאת fulfilled a different function than the blood of an עלה, but in either case the blood still fulfilled a particular ritual function *as blood*. However, the Mishnah acknowledges situations in which sacrificial blood might mingle with other fluids, especially water and wine. When this happened, a determination had to be made about the ritual efficacy (i.e., function) and status of the blood. If blood was mixed with water or wine, but still looked like blood, the blood retained its normal ritual status and function, i.e., it was treated *like blood*.[66] If blood was mixed with water or wine, but the appearance became less blood-like, the blood lost its normal ritual status and function, and was treated *like water*.[67] The phrase translated "like water" is כאלו הוא מים in Rabbinic Hebrew. The preposition כאלו is a compound of כ and אלו, and the adverb אלו is itself a compound of אם and לא, which probably originated as a counterfactual conditional phrase.[68] Although אלו was used to express irreal or impossible conditions, the compound phrase כאלו in the Mishnah had "lost any irreal conditional value, expressing instead a comparison of equality."[69] In other words, כאלו was semantically and syntactically equivalent to BH כ, meaning "like/as/as though." Most importantly for the present discussion, כאלו is used in m. Zebaḥim 8 to denote that mixed blood should be treated as though it were equal to water in its status and

[66] M. Zebaḥim 8:6. Wine and water were used for personal consumption (Deut 14:22-26), for purification (Num 19:1-9; m. Yoma 8:9; m. Beṣah 5:4, 5; m. Ḥag. 2:5; m. Naz. 6:6; m. Tem. 1:5, cf. m. Parah 4:4), and for libations (e.g., during Sukkot; cf. m. Sukkah 4:9). It is not hard to imagine how these fluids might have had opportunity to mingle inadvertently at some point during the sacrificial process.

[67] M. Zebaḥim 8:6; m. Ḥul. 6:5.

[68] Köhler, *HALOT*, 52. אלו is extremely rare in BH, appearing only in Qoh 6:6 and Esth 7:4. Observations about the grammar of כמים and כאלו in this section were aided by conversation with Dr. John Cook at Asbury Theological Seminary.

[69] Miguel Pérez Fernández, *An Introductory Grammar of Rabbinic Hebrew* (Leiden: Brill, 1997), 217.

function. In short, כאלו הוא מים in m. Zebaḥim 8 parallels the phrase כמים in Deut 12:16, 24, and 15:23.

Besides mixtures of blood with wine or water, if blood that was graded for higher-status application was mixed with lower-status blood, since there was no way of determining which blood was in greater proportion, the whole mixture lost its ritual status and was treated *like water*.[70] An additional provision was made that required the mixed bloods to be poured into the gutter, but allowed the slaughter/sacrifice to remain ritually valid.[71] The concept is summarized by m. ʻAbod. Zar. 5:8, "This is the governing principle: [If it is] one species [poured] into its own species, [it is forbidden] in any measure at all. [If it is] not [poured] into its own species, it is forbidden if it imparts flavor."[72] The water to which these blood mixtures were compared was most likely the מי נדה, "water [for] impurity" (Numbers 19). However, this need not be the exact referent of כאלו הוא מים, since any water present in the cultic precincts could have fulfilled a purifying function.[73]

The downgrading of ritual blood to a status "like water," denoting a lesser cultic function, seems to be a strategy to mitigate risk. Rather than allowing mixed blood to become ritually useless, rendering the entire sacrifice invalid and inefficacious, downgrading the blood allowed the sacrifice to continue, though the blood could not fulfill its originally intended function. Blood

[70] M. Zebaḥim 8:6, 9, 11; m. Ḥul. 6:5. For example, if blood that was intended to be applied above the altar's red line became mixed with blood that was intended to be applied below the red line, the mixture was treated "like water;" or if blood that was intended to be applied to the altar inside the sanctuary was mixed with blood that was intended to be applied to the courtyard altar, it was treated "like water."

[71] M. Zebaḥim 8:7, 8, 11.

[72] Cf. the summary of mixed blood in m. Ḥul. 6:5.

[73] M. Yoma 8:9 notes that a purification pool cleans the unclean. m. Beṣah 5:4, 5 observes that water has the status of the person or place that owns it (i.e., temple water was holy). M. Naz. 6:6 notes that the purification water was used for the נזיר vow. And m. Tem. 1:5 notes that purification water achieved its status only once the red cow's ashes had been added (cf. m. Parah 4:4). M. Miqvaot 1:1-8 provides a helpful gradation of water based on its status and function.

of one status that was mixed with blood of a different status was poured into the gutter for the same purpose of risk mitigation. So, just as the pouring of blood in a non-cultic context (Deut 12:16, 26; 15:23) paralleled the sacral pouring of blood into the altar's gutter (12:27), the reference to non-cultic slaughter blood as כמים parallels the reference to mixed cultic blood as כאלו הוא מים.

How is blood "like water"? Rather than referring to the fluid consistency of non-cultic blood, as opposed to the consistency of other materials, and rather than referring to the method of pouring, as opposed to how one might pour grain or oil, the parallel phrase כאלו הוא מים in the Mishnah raises the possibility that Deuteronomy uses כמים to describe non-cultic blood's social or domestic ritual status and function. Namely, it may have signified that blood poured in a non-cultic context did not have the same status as blood that was applied in a cultic context. Rather, blood poured in a non-cultic context had the same status as water. Likewise, it may have signified that blood poured in a non-cultic context did not have the same function as blood applied in a cultic context. Rather, it could only fulfill the functions that water could fulfill. Namely, basic purification, or perhaps as I will investigate in the next section, agricultural stimulation.[74] In short, the phrase כמים, "like water," in Deut 12:16, 24 and 15:23 may convey the water-like status and function of non-cultic slaughter blood as an implement for social or

[74] Water-like blood may have also symbolized deliberate mixing of non-cultic blood to symbolize kinship (cf. m. Zebaḥ. 8:6, 9, 11; m. Ḥul. 6:5). Tzvi Abusch, "Blood in Israel and Mesopotamia," in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. Shalom Paul, VTSup 94 (Leiden: Brill, 2003), 677–79, comments that slaughter associated with oath and covenant rituals was meant to create a kinship between the parties involved via a covenant of mixed blood, so that the mixing of the blood symbolized the mixing of the parties and their relationship. As noted in chapter four, some non-cultic slaughter may have occurred as oath-meals. Thus, the כמים status of non-cultic blood in Deut 12:16, 24 and 15:23 may have been caused occasionally by deliberate mixing of slaughter blood in an oath-meal.

domestic ritual purification and/or agricultural stimulation. The object which the blood may have purified is identified in the next phrase, על־הארץ, "on the ground."

C. On the Ground

Although blood poured in a non-cultic context could not have retained a ritual function, the symbolism of blood and its capabilities within the ancient Israelite worldview were retained. There are two non-mutually exclusive components to non-cultic blood symbolism that should be considered. Blood was symbolic of נפשׁ, "life" (Deut 12:23; cf. Lev 17:11-14; Gen 9:4), and in the case of non-cultic blood in Deut 12:16, 24, and 15:23 the poured water-like blood may have been symbolic of rainwater. Regarding the symbolism of blood as נפשׁ, the pouring of non-cultic and cultic blood onto the ground (Deut 12:16, 24, 27) would have signified to the ancient Israelite that the life of the animal had been returned to the ground. Although on a superficial level this was simply a means of disposing of blood that had not been applied to a cultic item, blood disposal in Deuteronomy's שׁערים was still loaded with symbolism.

In his analysis of ancient Israelite agriculture, Oded Borowski has observed that the ancient Israelites would have had relatively few options available for fertilizing their fields.[75] One of these was דשׁן, the ash that was rich in the fat and blood of sacrificial animals (Num 4:13; 1 Kgs 13:3, 5). This ash was put in a pure place outside of the settlement (Lev 6:4), and Borowski postulates that it would have been available for public use, namely, as fertilizer.[76] Borowski adds:

[75] Borowski, *Agriculture*, 147–48.
[76] Borowski, *Agriculture*, 147, interprets Isa 34:6-7 as alluding to the fertilizing function of fat and blood.

> Lev 3:17 and 7:23, 26-27 clearly state that the Israelites were prohibited from eating blood and animal fat. Yet, several references point out that blood and animal fat were sources of healthy growth, as depicted in Deut 32:14 and Ps 63:6. These metaphors can be understood only in the light of an agricultural practice that used animal remains as fertilizer.[77]

I would add to Borowski's assessment that the placement of דשׁן in a מקום טהור, "pure place," contrasts waste disposal in a מקום טמא, "unclean place," i.e., a garbage dump.[78] To be clear, the Hebrew Bible at no point instructs people to use דשׁן or non-cultic slaughter blood as fertilizer for their fields. However, the use of these substances in this way is plausible. So, blood-pouring in Deut 12:16, 24, and 15:23 was a means of disposal, but it may have also been intended to fertilize the soil, a function which in the Israelite worldview would have been perceived as returning נפשׁ into the soil. Once absorbed by the soil, the נפשׁ could be further transferred into the plants that grew in the next agricultural season. In this light the prohibition of blood consumption gains a certain cosmological practicality. The Israelites were prohibited from consuming blood because they already had נפשׁ. The plants on the other hand depended upon cyclical provision of rain and perhaps also נפשׁ-filled blood in order to thrive.

Regarding the symbolism of non-cultic water-like blood as rainwater, we see a potential parallel in the blood which was poured into the altar's gutter. Jeffrey L. Rubenstein has suggested that the rabbinic era water libation rituals of Sukkot functioned to stimulate rain

[77] Borowski, *Agriculture*, 147.

[78] Cf. Lev 14:40, 41, 45. Compare also to the items which are identified as נדה "a defilement," and were removed from the temple and dumped in the Kidron Valley (2 Chron 29:5, 15-16).

production. He observes that wine libations accompanied the daily sacrifice (תמיד) throughout the year, but were supplemented with water libations on the Sabbath and during the festival of Sukkot.[79] These libations were poured into perforated libation vessels that poured out onto the altar and drained into a single pit under the altar that was used for collecting the wine and water.[80] The significance of these libation rituals was their cosmological function. As mentioned in chapter two, within the ancient Israelite worldview, the temple was considered the *axis mundi*, the center of the world and the source of the cosmic waters that irrigated the entire earth.[81] These waters originated in the deep (תהום), and were restrained by the עבן שתיה, a capstone which allegedly sat below the temple. The cosmological function of the libations was to flow from the altar, through a pipe, down into the foundations of the temple (the עבן שתיה), and into the תהום, where they merged with the primordial waters and stimulated them to spring forth onto the surface of the earth, eventually producing rain.[82] Rubenstein elaborates:

> Besides the "signal" the libations communicate to the Deep to raise its waters, there seems to be a type of sympathetic magic at work. Pouring water on the ground is believed to produce a corresponding "pouring" of water from heaven…[rabbinic] statements assume that rain, having fallen, ultimately finds its way into the Deep and causes its level to rise. The libation flowing into the Deep mimics the rain that flows into the Deep, and, given the logic of sympathetic magic, produces that flow of rain.[83]

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[79] Rubenstein, *Sukkot*, 120; cf. Num 28; esp. 7, 9-10, 14-15, 24, 31; m. Zebaḥ. 6:2.

[80] T. Sukkah 3:14-15. The rabbinic texts are unclear about whether these libation drains were separate structures on the altar from the gutters into which blood was poured, though b. Sukkah 49a-b and t. Sukkah 3:15 attest to the priests descending every 70 years into the libation pit to collect the coagulated wine and burn it on the altar, which suggest that the blood from the gutters may not have been channeled there.

[81] Rubenstein, *Sukkot*, 123.

[82] Rubenstein, *Sukkot*, 125–27; cf. b. Ta'an. 25b.

[83] Rubenstein, *Sukkot*, 129; cf. b. Ta'an 25b, which notes that the rains and deep produce water in a 1:3 ratio. For every measure of rainwater, three measures of water are released from the deep in response.

Additionally, b. Sukkah 49b posits that there was a contrasting relationship of function between the wine and water libations. Whereas the water libation sympathetically stimulated a release of water from the תהום, "when the priests pour wine out on the altar, they stop up the pits."[84] So, the vacillation between water and wine libations during the תמיד and the Sabbath, and their combination during the more grandiose libation rituals of Sukkot, seems to have been a strategy of water regulation. The libation rituals during the תמיד, Sabbath, and Sukkot were not just symbolic acts, but within the ancient Israelite cosmological worldview they were believed to produce "an effusion of waters from the subterranean Deep that fertilized the earth and seeded the clouds with rain."[85] However, the temple was not the only location where rain could be stimulated, and the cultic wine and water libations were not the only means of regulating water.

Babylonian Talmud Ta'an. 25b describes the sympathetic response of the deep in producing two or three measures of water for every initial measure of rainwater.[86] Since rain fell on cultic and non-cultic land, the sympathetic emission of תהום water was not exclusively initiated by cultic libation rituals, but could also be initiated by water that fell in non-cultic areas. This includes rain and perhaps also non-cultic slaughter blood which was regarded "like water" (Deut 12:16, 24; 15:23) and was poured upon the ground. This does not mean that the blood was considered a נסך, "libation."[87] Rather, I am suggesting that within the cosmological worldview of

[84] B. Sukkah 49b, quoting R. Simeon b. Laqish.

[85] Rubenstein, *Sukkot*, 130.

[86] Rubenstein, *Sukkot*, 129; cf. Deut 11:10-12, where the land is described as one which drinks rain, unlike in Egypt.

[87] Although Liwak, "שׁפך," in *TDOT* 15:434, notes that שׁפך does not typically connote libations, compared to the more frequently used נסך, my emphasis here is on the function of the pouring, rather than to suggest that שׁפך was an alternative technical term for "libation."

the ancient Israelites the pouring of non-cultic water-like blood may have fulfilled a similar water-stimulating function.[88] Namely, the water-like blood may have been perceived as flowing into the תהום, mimicking the similar course of rain, and stimulating additional rain production via sympathetic magic.

Finally, it is worthwhile to consider why Deuteronomy has presented non-cultic slaughter blood as it has, namely, as poured (שׁפך) on the ground with a status and function "like water." Dennis McCarthy observes that the symbolism of blood in ancient Israel was uniquely associated with life (Deut 12:23), whereas in the broader ancient Near East, "blood is associated not with true life, but with its pale and ghostly counterpart."[89] Although ritual blood usage is not as frequently described in ancient Near Eastern texts, he observes that blood libations were poured for the dead. In the Babylonian story of Etana, blood belongs to the gods of death.[90] In ancient Greece blood was poured out for the dead so that they might regain "a semblance of life by drinking blood from the offerings."[91] In Hittite rituals blood was likewise an important means of communicating with the underworld, and was the preferred libation of the dead.[92] In Canaanite religion, the mourning rites associated with the death and subsequent resurrection of Baal entailed self-laceration intended to generate blood for a libation that would resurrect Baal so he could provide rain.[93] This Canaanite praxis is proscribed by Lev 19:28 and Deut 14:1, and

[88] The use of non-cultic blood in a comparable way to libations may be supported by additional correlations: 1) blood was inclined to return to God via the ground (cf. Milgrom, *Leviticus 1-16*, 708–9) just as water returned to the תהום via the ground, and 2) the vocal characteristic of blood to cry out, stimulating acts and/or rituals of appeasement (cf. Gen 4:10; Deut 19:4-7, 11-13; 21:1-9), which was comparable to the vocal characteristic of water, which stimulated a process of appeasement (Ps 42:8).

[89] McCarthy, "Further Notes," 175.

[90] McCarthy, "Further Notes," 172.

[91] McCarthy, "Further Notes," 172.

[92] McCarthy, "Further Notes," 205.

[93] CTA 6 in *COS*, 1:268; cf. 1 Kgs 18:28. Notably, שׁפך is the method of poured blood in 1 Kgs 18:28, paralleling שׁפך in Deuteronomy 12.

contrasted with Yahwistic orthopraxy in Ps 16:4.[94] So, whereas blood libations were associated with the cult of the dead in ancient Near Eastern cultures, and most notably with rain stimulation via resurrection of Baal in Canaanite religion, blood libations were forbidden in Yahwistic religion.

Pouring blood on the ground in the context of non-cultic slaughter was not a נסך, but it may have looked like one to Deuteronomy's audience. Deuteronomy's emphasis on the two features of blood as נפשׁ and "like water," and the act of pouring it on the ground may have been intended to present different blood symbolism than was germane to the ancient Near East, namely, the ancient Near Eastern perception of blood not as נפשׁ, and blood *as blood* (rather than water). In particular, Deuteronomy's presentation of non-cultic blood in 12:16, 24, and 15:23 may have been framed to avoid any unintentional associations with Baalism. Because blood that was poured on the ground could have been interpreted as a libation for Baal, Deuteronomy identifies the status and function of blood as "like water." Blood took the status of water, but when it was poured on the ground it imparted נפשׁ directly to the soil and stimulated the תהום to produce rain, and both acts obsolesced the need for a storm god. Rather, the God of Israel was the source of נפשׁ (cf. Deut 32:39), which was put into the blood of animals and transferred further to the soil and the plants (cf. Deut 32:39).

[94] McCarthy, "Further Notes," 206.

D. Summary

Although non-cultic blood was to be poured on the ground in Deut 12:16, 24, and 15:23 in order to dispose of it, especially to prevent people from consuming the blood, I have suggested that the act may have additional layers of meaning that enhance its ritual significance. The method by which altar blood was applied to the altar in the cultic sphere correlated with the gradation of the altar into three zones (the horns, the side, and the base), so that the status of altar blood was determined by where and how it was applied to the altar. The lowest status of blood (the leftover blood) was applied to the base of the altar by means of pouring (שׁפך), which is also the method by which some blood was applied to the altar in Deut 12:27, suggesting that Deuteronomy was aware of blood gradation based on the method and location of application. If so, the instructions to pour out (שׁפך) the blood in non-cultic slaughter (Deut 12:16, 24, and 15:23) may convey not only how the blood was to be disposed, but it could also convey the lower status and function of non-cultic blood relative to cultic blood. This is supported further by the description of non-cultic blood כמים "like water" (Deut 12:16, 24, and 15:23). Rather than referring to the fluid consistency of blood, or to the method of pouring, כמים may be illumined by the Mishnah's parallel phrase כאלו הוא מים (m. Zebaḥ. 8:6; m. Ḥul. 6:5), which was used to describe blood's status and function. Namely, blood poured in a non-cultic context had the status of water (rather than blood), and it functioned like water for purification and agricultural stimulation, rather than like blood for e.g., atonement.

The functions of non-cultic water-like blood when poured on the ground may have been for two agricultural purposes. The first could have been to fertilize the fields by imparting the נפשׁ-filled blood into the soil, which transferred נפשׁ into the plants. The second could have been

to stimulate rain production by regarding the blood as "like water" which when poured on the ground may have been perceived within the ancient Israelite worldview as stimulating the תהום to produce water. Additionally, the change in the status of non-cultic blood to become "like water" may have been intended to avoid potential confusion with blood libations that were poured for Baal. In short, while the instructions to pour out (שׁפך) non-cultic slaughter blood on the ground כמים in Deut 12:16, 24, and 15:23 certainly describe the disposal of the blood in order to prevent it from being consumed, the instructions may have also conveyed the lower (water-like) status and function of non-cultic slaughter blood as an implement for social or domestic ritual purification and/or agricultural stimulation. This helps to situate the pouring of non-cultic slaughter blood as a social or domestic ritual act that was related to the social or domestic ritual status and function of the blood, in contrast with cultic slaughter blood which was applied to cultic items and held cultic ritual status and functions and in contrast with some types of non-cultic slaughter blood which could not be properly drained from the animal and poured out.

III. An Analysis of the Timing of Non-Cultic Slaughter

In chapter four, section one, I mentioned how the phrase "you may spend the silver in exchange for everything that your being craves," (Deut 14:26) could not be interpreted literally as an open-ended allowance to consume anything while celebrating Sukkot. Rather, the seemingly unlimited scope of Israelite אוה "desire," for foods would have been curbed by factors including the dietary laws of Deut 14:3-21 and redistribution to the priests (rather than being consumed entirely by the Israelite and his family). We observe similar statements in Deut 12:15, "according to every craving of your being you may slaughter and eat meat," and 12:20, "when you say 'I shall eat meat,' because the craving of your being is to eat meat, then according to

every desire of your being you may eat meat."[95] Deuteronomy 14:26 and 12:15 both imply an unrestricted scope of meat consumption and 12:20-21 implies an unrestricted scope and timeframe for meat consumption.[96] However, just as the scope of meat consumption in 14:26 was more restricted than it initially appeared, we will observe that the scope and timing of local meat consumption in 12:15 and 20-21 were also restricted. This is important for our ritual analysis of non-cultic slaughter. The more restricted the timing of an event, the more special that event may have been (in contrast to regularly occurring events), and the greater potential it had to be regarded as cultic, social, or domestic ritual. Additionally, the more restricted or exclusive the species, sex, or age of meat consumed, the greater potential its consumption had to be regarded as cultic, social, or domestic ritual.

A. The Semantic Limitations of אוה

The root אוה appears in nominal and verbal forms, and refers to a desire that "is rooted deep in human existence."[97] Often, אוה and נפשׁ appear together, with נפשׁ as its subject or as its adnominal modifier in a bound noun/construct relationship. The term is also synonymous or used

[95] Cf. Deut 12:21.

[96] Nelson, *Deuteronomy*, 155, and McConville, *Deuteronomy*, 226, observe that the phrasing is more open-ended and generalized than the commands for cultic slaughter (e.g., Deut 12:14). The interpretation of אוה as open-ended has also been proposed by Craigie, *Deuteronomy*, 219; Tigay, *Deuteronomy*, 124; and Lundbom, *Deuteronomy*, 435. See also Milgrom, "Profane Slaughter," 3, on the volitional and optional quality of "whenever you desire" (12:15, 20, 21).

[97] I. Meyer, "אוה," in *TDOT*, 1:135. The verbal root אוה appears 30 times (Num 11:4, 34; Deut 5:21; 12:20; 14:26; 1 Sam 2:16; 2 Sam 3:21; 23:15; 1 Kgs 11:37; Isa 26:9; Jer 17:16; Amos 5:18; Mic 7:1; Ps 45:12; 106:14; 132:13, 14; Job 23:13; Prov 13:4; 21:10, 26; 23:3, 6; 24:1; Eccl 6:2; 1 Chron 11:17). The masculine noun אוה appears 7 times (Deut 12:15, 20, 21; 18:6; 1 Sam 23:20; Jer 2:24; Hos 10:10). The feminine noun תאוה appears 21 times (Gen 3:6; 49.26; Num 11:4; Isa 26:8; Ps 10:3, 17; 21:3; 38:10; 78:29, 30; 106:14; 112:10; Job 33:20; Prov 10:24; 11:23; 13:12, 19; 18:1; 19:22; 21:25, 26).

in parallel with a number of terms, e.g., חמד, שׁאל, and בחר.[98] Although אוה can be used metaphorically,[99] or can connote virtually unrestricted craving,[100] it is most often directed toward consumption of resources.[101] Additionally, when the timing of אוה is noted, it is typically restricted rather than open-ended.[102] In Deuteronomy, אוה results in being שׂבע "satisfied."[103] In short, אוה is rarely used in contexts which allow an unrestricted desire for "anything," but is typically used in contexts which restricted the scope of אוה to specific resources, with a limited time frame in mind for אוה to be sated.

B. Zooarchaeological Evidence for Meat Consumption in Ancient Israel: The Scope and Timing of Local Slaughter

Besides the contextual limitations of אוה, the scope of non-cultic meat consumption would have also been restricted by the dietary laws (Deut 14:3-21), and the timing of consumption would have been limited by the sanctuary's cultic calendar (i.e., the three cultic

[98] Meyer, "אוה," 1:135; cf. I. Meyer, "אוה," in *TWZAT*, 1:146–48; E. Gerstenberger, "אוה," in *TLOT*, 1:56, provides a more comprehensive list of parallel terms.

[99] E.g., for desiring God (Isa 26:9); the Day of the Lord (Jer 17:16; Amos 5:18); beauty (Ps 45:12); Zion (Ps 132:13-14); evil (Prov 21:10; 24:1).

[100] E.g., David would be king over all he desires (2 Sam 3:21; 1 Kgs 11:37); God does what he desires (Job 23:13); desire of things in general (Prov 13:4); unrestricted riches, wealth, and honor (Ecc 6:2).

[101] E.g., for desiring meat (Num 11:4, 34; Deut 12:20; 1 Sam 2:16; Ps 106:14); a house (Deut 5:21); food and/or drink (Deut 14:26; Mic 7:1); water (2 Sam 23:15; 1 Chron 11:17); and metaphorical food (Prov 23:3, 6).

[102] In Jer 2:24 אוה is used metaphorically for the specific time of an animal's heat. In 1 Sam 23:20 אוה is used politely as "whenever you want…" but it is understood that time is of the essence in capturing David. In Hos 10:10 YHWH is prophesied to punish Israel whenever he desires at some point in the future. Although this time is not specified, there is a certain immanence about it, conveyed in part by עתה in 10:2, 3. The timing for when the Levite might desire to serve at the central sanctuary (Deut 18:6) was probably also restricted primarily to the three חגים (Deut 16:16).

[103] Deuteronomy 14:29; 26:12.

festivals; cf. Deut 16:16), and the fixed timing of the triennial tithe (Deut 14:28-29).[104] Additionally, it is often remarked that meat consumption was infrequent, though the frequency is not often well-defined.[105] I will consider how the timing and scope of local meat consumption would have been limited by the subsistence survival economy of Iron Age ancient Israel, the availability of meat within the שׁערים, and the species and sex of animals available for consumption. In the remainder of this section I will refer to zooarchaeological and economic analyses to define what אוה in Deut 12:15 and 20 could and could not have meant.

Except perhaps for Jerusalem, where sacrificial meat was sourced from peripheral locations and later redistributed to wealthier inhabitants of the city, interpretation of zooarchaeological data on meat consumption in Iron Age Israel is divided on whether meat consumption in the rural שׁערים was indicative of social stratification. Aharon Sasson has shown that even in Iron II Beersheba animal remains from high, moderate, and low meat-yield portions of the body were distributed evenly throughout the site, suggesting no distribution according to social status.[106] Additionally, bone distribution suggests that meat was not imported via a market

[104] The periods of the three חגים and the triennial tithe would have been small portions of the year during which אוה as described in Deuteronomy 12 would not have existed, since meat consumption was already connected to these required festivals and was not up to the נפשׁ of the Israelite.

[105] Margie Burton, "Biomolecules, Bedouin, and the Bible: Reconstructing Ancient Foodways in Israel's Northern Negev," in *Milk and Honey: Essays on Ancient Israel and the Bible in Appreciation of the Judaic Studies Program at the University of California, San Diego*, ed. Sarah Malena, David Miano, and University of California, San Diego (Winona Lake, IN: Eisenbrauns, 2007), 230. Although Nathan MacDonald, *What Did the Ancient Israelites Eat?: Diet in Biblical Times* (Grand Rapids: Eerdmans, 2008), 61-79, notes a potential increase in meat production in Iron II, he suggests that much of it would have been allocated to Israel and Judah's Assyrian overlords.

[106] Aharon Sasson, *Animal Husbandry in Ancient Israel: A Zooarchaeological Perspective on Livestock Exploitation, Herd Management and Economic Strategies*, Approaches to Anthropological Archaeology (London: Equinox, 2010), 83. But compare to Tel Rehov, cf. Nimrod Marom et al., "Backbone of Society: Evidence for Social and Economic Status of the Iron Age Population of Tel Reḥov, Beth Shean Valley, Israel," *BASOR* 354 (2009): 55–75. The association between meat consumption and socio-economic status remains a point of contention in zooarchaeology.

economy, but was part of a subsistence survival strategy by which the population maximized the potential gain of its own livestock.[107] By contrast, Lidar Sapir-Hen interprets the zooarchaeological data from Jerusalem and nearby Tel Moza to suggest that the latter supplied Jerusalem with caprines.[108] She also conjectures, based on the temple economy of the Eanna Temple at Uruk, that the prevalence of male caprine faunal remains in the Western Wall Plaza of Jerusalem attests to a redistributive and somewhat stratified animal economy, in which higher status residents living near the temple may have purchased temple meat.[109] In a separate article, she further critiques Sasson, asserting that the animal economies of the Late Bronze and Iron Ages were not uniform, but developed especially from Iron I to IIB.[110] This comports well with the general Iron Age economic developments studied by Joshua Walton, Daniel Master, Roger Nam, et al noted in chapter four.[111] Whether based on subsistence or a market economy, the animal economy of Iron I-II Israel utilized a number of mechanisms to ensure efficient exploitation of animals and their secondary products (e.g., milk and wool). Two of these are immediately relevant to our understanding of the availability and timing of meat consumption in Deuteronomy's שערים.

[107] Sasson, *Animal Husbandry*, 10–11, 23, 98, 106, especially 120-21; Roland Boer, *The Sacred Economy of Ancient Israel*, LAI (Louisville, KY: Westminster John Knox, 2015), 62–63.

[108] Sapir-Hen, et al, "Animal Economy," 108–10, 114.

[109] Sapir-Hen, et al, "Animal Economy," 112.

[110] Lidar Sapir-Hen, Yuval Gadot, and Israel Finkelstein, "Environmental and Historical Impacts on Long Term Animal Economy: The Southern Levant in the Late Bronze and Iron Ages," *JESHO* 57 (2014): 706, 735-37. Sapir-Hen attributes this to increasing Assyrian imperial influences.

[111] Cf. J. Walton, "The Regional Economy;" Master, "Economy and Exchange," 81–97; Nam, *Portrayals of Economic Exchange*. Although the implications of Sapir-Hen's approach compared to Sasson's approach are significant within the field of zooarchaeology, I do not believe that they will have a significant impact on the application of zooarchaeological data in the present study. Whereas they are concerned with the nature of animal redistribution and qualitative stratification of meat consumption, I am interested in only the basic details, which are generally agreed upon by both sides of the zooarchaeological debate. However, stratification of meat consumption as proposed by Sapir-Hen is important to the present study to the extent that it supports my assertion that better resources would have been allocated to the Levites over the other *personae miserae* in the triennial tithe, and perhaps also in local slaughter events.

The first important mechanism for animal exploitation was the choice of animal species. Deuteronomy 14:3-20 catalogues several animals which might have been consumed by ancient Israelites, whether licitly or illicitly, including especially: cattle, sheep, goat, deer, gazelle, ibex, antelope, camel, pig, fish, and birds.[112] Despite this range of consumable animals, faunal remains typically feature a limited scope of species, namely, caprines/caprids (sheep and goat), and bovines (cattle), with minimal assemblages of other animals (e.g., camel, donkey, dog, fish, bird, rodent, and gazelle).[113] Additionally, Melinda Zeder suggests that high status species may have been consumed only by the elite.[114] With respect to meat consumption, caprines accounted for approximately 80% (≈ 1/3 goat, 2/3 sheep), bovines accounted for approximately 20%, and other species accounted for less than 1%.[115] These demographics were not accidental. Because the subsistence survival economy of the Southern Levant was motivated by diversity, security, and optimal use of resources, sheep, goat, and cattle were bred for their best contributions to daily life and survival.[116]

Although bovines yielded more meat than caprines, they also consumed more resources (especially water). Thus, bovines were raised for plowing the fields or providing other heavy-labor, and only at an older age were they utilized for meat.[117] Caprines were bred to provide meat, milk, and/or wool.[118] Male caprines were primarily utilized for meat, while female

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[112] Donkeys are not included on this list, but they appear elsewhere (e.g., Exod 13:13).

[113] Sasson, *Animal Husbandry*, 69–71; Melinda Zeder, *Feeding Cities: Specialized Animal Economy in the Ancient Near East* (Washington, D.C.: Smithsonian Institution Press, 1991), 246; Boer, *Sacred Economy*, 61.

[114] Zeder, *Feeding Cities*, 246.

[115] Sasson, *Animal Husbandry*, 36, 38, 45, 47, 95; Boer, *Sacred Economy*, 60. Sasson comments that the proportion of cattle, sheep, and goats could vary based on ecological conditions. Similar species distribution was also observed in the Iron IIA stratum at Tel Reḥov, cf. Marom et al, "Backbone of Society," 61–63, but contrary to Lundbom, *Deuteronomy*, 437, who suggests that caprines and bovines were consumed only at feasts or on special occasions, whereas game animals (e.g., gazelle) were commonly eaten.

[116] Boer, *Sacred Economy*, 66.

[117] Sasson, *Animal Husbandry*, 45, 67; Boer, *Sacred Economy*, 64.

[118] By contrast with Ligers, which were bred for their skills in magic; cf. Jared Hess, *Napoleon Dynamite*, DVD (Twentieth Century Fox, 2004).

caprines were utilized for dairy products, and sheep were utilized for wool.[119] The breeding of sheep and goats, rather than one or the other, was also motivated the subsistence survival strategy. Since sheep and goats consumed different pasturage and different quantities of water, resources were optimized by having a mix of both species.[120] Whereas goats survive better in extremely hot conditions, sheep survive better in extremely cold conditions. Herd security and disease prevention were also enhanced by species diversity, which could prevent disease from eradicating an entire herd. The sex and age of animals were also motivated by the subsistence survival strategy.

Whereas having a larger number of female caprines was ideal to optimize milk and herd reproduction, having a large number of male caprines was considered problematic. Because only a limited number of males were needed for reproduction, and because the remaining males served no additional purpose, occupied space, and consumed resources, most young males were slaughtered. Sasson emphasizes that the choice of slaughtering males had nothing to do with meat quality or other similar factors, but was based on their consumption of resources that were better allocated to keep the females healthy.[121] This process, known as "herd culling," resulted in the slaughter of most pre-adult male caprines between 1 and 3 years old (≈ 60%), in contrast to female caprines who lived 5 or 6 years and were culled in lower numbers (≈ 40% of females at various ages).[122] This age range was ideal because male caprines reach 70% of their maximal body weight during this time.[123] Thus, males were culled when their pasture consumption began

[119] Sasson, *Animal Husbandry*, 36, 42.
[120] Boer, *Sacred Economy*, 60.
[121] Sasson, *Animal Husbandry*, 40; Boer, *Sacred Economy*, 62.
[122] Sasson, *Animal Husbandry*, 64–65; Boer, *Sacred Economy*, 62; Zeder, *Feeding Cities*, 40; Marom et al, "Backbone of Society," 65–67.
[123] Sasson also notes that culling of pre-adult males could have allowed their mothers' milk to be redirected to household consumption.

to exceed the amount of meat they could provide.[124] By contrast, cattle mortality occurred at older ages because they were in limited supply and were exploited for labor, rather than meat.[125]

Besides culling, meat could be acquired by hunting, though hunted animals like the gazelle and deer were a high status delicacy, rather than a dietary staple.[126] Meat could also be acquired if an animal died naturally.[127] Sasson suggests that 15% of caprines died from natural causes within the first year of life, though Richard Redding narrows this to the first 6 months.[128] The culling season was determined by the age of the animal and when it was born. Female caprines could usually begin to reproduce as early as 10 months to 2 years old, depending on their nutrition.[129] Lambing and kidding rates would have been approximately .80 and 1.20 per year, respectively, so that goats had a slightly higher birth rate, and most (85-90%) caprines were born in the winter months (December-February).[130] After the birthing season, in mid-spring to mid-summer caprines were herded away from settlements into open pasture, so that they would not consume the newly grown agricultural vegetation.[131] Culling could occur in July through January, when the females were not producing milk and when the males were 21-27 months old.[132] Redding elaborates a more specific culling rotation, based on herd security, with 25% of the males culled in July-October of their first year, 25% in November-January of their second year, 25% in July-October of their second year, and 25% in November-January of their third

[124] Zeder, *Feeding Cities*, 247.
[125] Sasson, *Animal Husbandry*, 67.
[126] Contrary to Lundbom, *Deuteronomy*, 437.
[127] Sasson, *Animal Husbandry*, 64–65.
[128] Richard W. Redding, "Decision Making in Subsistence Herding of Sheep and Goats in the Middle East" (PhD Diss, University of Michigan, 1981), 199. This has implications for our reading of Deut 14:21, which I will discuss below.
[129] Redding, "Decision Making," 63. Hence the importance of culling males to improve the nutrition of the females, which would allow them to reproduce earlier.
[130] Redding, "Decision Making," 55–59, 70.
[131] Marom et al, "Backbone of Society," 70.
[132] Redding, "Decision Making," 199.

year.[133] In general, this would mean that a least half of the male caprines were culled in the winter, and the other half in the fall. However, in the animal economy of ancient Israel, the timing of the three חגים would have probably influenced the culling schedule. Since Sukkot was already situated in the middle of Fall (occurring for a week in the range of mid-September to mid-October), most culling in Israel probably occurred in the winter.

Besides exploiting male caprines for meat, exploiting female caprines for milk, and preserving the health of the females, culling the herd also limited the spread of disease, improved wool production, and would have freed family members for other household tasks, e.g., farming, instead of herding.[134] After an animal was slaughtered, the entire carcass would have been used. Meat was consumed, hides were utilized, some bones were used for tools, דשן and blood may have been used for fertilizer and even the astragali (knuckle bones) seem to have been utilized.[135] Sasson notes that a large quantity of astragali at Tel Beer-Sheba, Stratum II were found near the storehouses, which may signify that they were used as tokens or receipts for resources acquired at the storehouses.[136] This wholistic use of the animal carcass, compared to the specialized use of animal carcasses for specific market economies elsewhere in the ancient Near East, suggests that the availability of meat was heavily restricted, as we would expect from a subsistence survival strategy.[137] This is further substantiated by Sasson's dietary analysis of meat consumption, in which he states "the principal goal of animal husbandry was to provide the essential high value

[133] Redding, "Decision Making," 204.

[134] Sasson, *Animal Husbandry*, 41.

[135] Sasson, *Animal Husbandry*, 98; Boer, *Sacred Economy*, 62; Borowski, *Agriculture*, 147–48.

[136] Sasson, *Animal Husbandry*, 88–89; Aharon Sasson, "Corpus of 694 Astragali from Stratum II at Tel Beersheba," *TA* 34 (2007): 178–79. This assessment is compelling in light of my suggestion in chapter four that the triennial tithe may have been stored and distributed gradually. Perhaps astragali as food-tokens could have been used to track the distribution of food to the widow, orphan, and גר.

[137] Sasson, *Animal Husbandry*, 82–86.

proteins, which could not be obtained from plants."[138] This would have been especially important in winter months, when Israelite meat consumption could only be accomplished by local slaughter, in contrast to the spring and summer when it was accomplished by the חגים (Deut 16:1-16).

This survey of the zooarchaeological evidence suggests that whereas the use of אוה in reference to meat consumption in Deuteronomy may appear unrestricted, the scope and timing of meat consumption would have been heavily restricted. Whereas Deut 14:3-20 accommodates a relatively large scope of species for non-cultic slaughter, in reality the majority would have been caprines, with the occasional treat of low population species like cattle, gazelle, or deer. Additionally, whereas Deut 12:20 accommodates non-cultic slaughter throughout the year, besides slaughter that would have occurred during the triennial tithe most non-cultic slaughter probably coincided with herd culling in the winter months.[139]

C. Implications of Zooarchaeological Analysis for Local Slaughter in Deuteronomy

The above zooarchaeological analysis has several more implications for our interpretation of non-cultic slaughter and local meat consumption in Deuteronomy. First, whereas the dietary regulations of Deut 14:3-20 outline the species of animals that were accessible to the Israelites, though regarded as clean or unclean for their consumption, the list gives no insight into the distribution of these animals in ancient Israel. The above analysis suggests that although several unclean species *could* have been consumed illicitly, most faunal remains were for clean species

[138] Sasson, *Animal Husbandry*, 116, 108-18; Leann Pace, "Feasting and Everyday Meals in the World of the Hebrew Bible," in *Feasting in the Archaeology and Texts of the Bible and the Ancient Near East*, ed. Peter Altmann and Janling Fu (Winona Lake, IN: Eisenbrauns, 2014), 192–95, suggests that meat was not necessarily the part of daily meals, in contrast to the staples of wine, oil, and grain, but that it amplified normal meals.

[139] This does not preclude the possibility that other animals would or could have been slaughtered throughout the year. I am only suggesting that most local meat consumption would have coincided with culling.

(cf. Deut 14:4-5). Second, the wholistic utilization of animal carcasses for a variety of needs suggests that "desire to eat meat" may not have been the only motivator for non-cultic slaughter.[140] Rather, meat was only one product that resulted from slaughter, and slaughter itself was motivated by the subsistence survival strategy.

Third, the timing of local meat consumption applies not only to non-cultic slaughter during herd-culling, but may also inform two additional scenarios for local meat consumption. Besides the relatively fixed timing of herd culling, חגים, and the triennial tithe, about 15% of animals died spontaneously (נבלה), especially within their first 6-12 months of life, which may inform our understanding of the גר's meat consumption. While the גר would have received meat in connection with the triennial tithe (Deut 14:28-29), he was also a likely recipient of meat from נבלה (14:21). Additionally, the policy for נבלה referred to animals that died naturally within the first year and beyond.[141] Meat from a נבלה could also be sold to a נכרי, "foreigner," but it is unclear whether this meat would have been consumed locally by the נכרי and therefore included in the 15% of animals that died naturally, or whether it would have been sold to the נכרי and distributed elsewhere.[142] Besides what might have been sold to a נכרי, at least some portion of the

[140] Sasson, *Animal Husbandry*, 42.

[141] Although Deuteronomy does not deal with the טרפה, "mangled carcass," (cf. Exod 22:30) we can infer that it would not include the טרפה among the נבלה.

[142] Of the major commentaries, only Tigay, *Deuteronomy*, 140, addresses this. He notes the difference between giving the נבלה to the גר because of his poverty and lower socio-economic status, compared to the נכרי, to whom the נבלה would have been sold because he was wealthier and was present in Israel for trade purposes. Even so, Tigay does not hypothesize how the נכרי would have used the נבלה, whether for personal consumption or economic redistribution. For the נכרי to sell נבלה meat seems unlikely, since retention of blood in the meat would have led to poorer meat quality and/or faster spoilage (Heinz and Srisuvan, *Guidelines*, 74, 78).

נבלה would have been allocated to the גר. Another category within which local meat consumption may have occurred was the yearly family festival.

Menaḥem Haran has observed examples in the HB of non-institutional festivals that occurred under different circumstances than the annual חגים.[143] In 1 Samuel 1, Samuel's father Elkanah journeyed from his city to worship and sacrifice in the temple at Shiloh (1:3).[144] This event is never referred to as a חג and did not include a gathering of festal celebrants or scenes of rejoicing, but was a private personal pilgrimage by Elkanah's household, described as a זבח הימים. Additionally, the pilgrimage was not set by the cultic institution, though it did occur annually and "may have been restricted in accordance with local practice to a certain season or period of the year."[145] So, Elkanah's custom did not conflict with the three annual חגים, but "[i]t belongs to another category of feasts, the observance of which was understood as a kind of 'option' and as a custom particular to and kept by all the members of a given family… [which] finds no mention in the Pentateuchal codes precisely because it was a familial institution."[146]

Another annual family sacrifice appears in 1 Sam 20:5-29, when David attended a yearly sacrificial festival in Bethlehem that included the whole מִשְׁפָּחָה, "family/clan" (1 Sam 20:6, 29), which probably referred to the entire community of Bethlehem.[147] A final example of a communal festival occurred at Samuel's city (1 Sam 9:5-14), at which Saul became Samuel's

[143] Haran, *Temples and Temple-Service*, 289–303. Haran suggests that the חגים mentioned in Exod 5:1; 10:9; and 32:5 were anachronistic insertions that deviate from the standard חג location at a temple (Haran 300).

[144] Haran, *Temples and Temple-Service*, 304–5, rejects the notions that this was connected to Sukkot, or that it reflects an earlier time in Israelite history when only one חג was required instead of the later three חגים.

[145] Haran, *Temples and Temple-Service*, 306.

[146] Haran, *Temples and Temple-Service*, 306.

[147] Haran, *Temples and Temple-Service*, 309.

invited guest.[148] While it is possible that Haran has overemphasized the parallels between these feasts, and that they may have been different types of meals, they existed in a separate category from the cultic חגים. These festivals were celebrated by a משפחה, in the שערים, annually, at non-cultic times, and with a mirthful festal atmosphere. The חגים occurred in late March to late October. Although the annual family festivals could have occurred in the same timeframe as the three חגים, perhaps in the larger gap of time between Shavuot and Sukkot, this is unlikely.

Besides already celebrating three feasts in that timeframe, one of which was an enormous seven-day feast at the end of the harvest season, festal wine and grain would have been difficult to allocate toward a local communal festival since these resources were intended primarily for the celebration of Sukkot. Rather, it is likely that family festivals were held in the cultic off-season (late October to early March), which also happens to coincide with the herd culling season. Besides having grain, wine, and oil saved from the previous year's harvest, the mass slaughter of male caprines would have provided a surplus of meat. This does not mean that non-cultic slaughter must have occurred only during the herd culling season, neither would all meat acquired during this season have necessarily been consumed immediately.[149] I only suggest that the season of herd culling would have been well-suited for the occasions of annual family festivals. Additionally, although the family festivals are never mentioned in the Pentateuch, even if they did not occur in conjunction with herd culling they would have been accommodated post-centralization by the concession of אוה-based local meat consumption. If these festivals

[148] Haran, *Temples and Temple-Service*, 309–11; Nelson, *Deuteronomy*, 155, similarly notes a possible connection between local slaughter (Deut 12:15, 20-21) and local banquets.

[149] Borowski, *Daily Life*, 73. Meat could have been cured with salt and preserved for long-term consumption, for example.

continued post-centralization, they would have necessarily lost their cultic sacrificial component, but their restricted (special) timing, among other factors, may have qualified them as social ritual events. Returning to Deuteronomy 12, we have another reason to believe that the temporal use of אוה in Deut 12:20 restricted the timeframe of non-cultic slaughter.

Fourth, the age, species, and sex of animals bred in the southern Levant inform our understanding of the firstborn offering in Deut 15:19-23. The age of the firstborn animals when they were slaughtered would have been approximately 6-12 months. Although animals could be born at other times, since 85-90% of caprines were born in December-February, the age of most firstborn animals slaughtered at Shavuot would have been approximately 3-6 months. Whereas Exod 22:29-30 requires that a firstborn animal be slaughtered on its eighth day of life, Deut 15:20 stipulates "you and your household shall eat it every year," implying that firstborn were slaughtered in the same year as they were born (probably during Shavuot). Additionally, Deut 15:21-23 accommodates situations when firstborn were blemished by lameness or blindness, so that they were slaughtered and consumed locally. Since firstborn were due to be slaughtered within the first year anyway, and since the usual strategy of culling the animal when it had a greater meat-yield at ages 2-4 would have been impeded by the animal's blemish, it is probable that even the blemished firstborn were consumed locally within the first year of life.

The firstborn law (Deut 15:19-23) is also informed by the prevalence of sheep, goat, and bovines and the resources they contributed to the ancient Israelite economy. Deuteronomy 15:19 specifies, "you must not work with the firstborn of your cattle, and you must not sheer the firstborn of your flock." Bovines were bred primarily as draught animals and only provided meat after a life of labor, so preventing firstborn bovines from working would have removed their only purpose for existence. The situation was equally problematic for male caprines, which were bred

primarily for their meat and wool, but in the case of firstborn could only be exploited by their owner for a small portion of their meat (cf. Deut 14:22-26). The impact of this personal sacrifice could be quite dramatic in a society operating on a subsistence survival strategy. Despite the difficulty inherent to observing the firstborn law, it had some positive elements.

First, it required the animal to be slaughtered within a year of its birth, preventing it from consuming as many resources in its lifetime as a normal male would have. Second, since bovines accounted for approximately 20% of the domesticated animals, compared to caprines which accounted for approximately 80%, the loss of bovine firstborn resources may have been less significant than the loss of caprine firstborn resources. Third, since only firstborn males were slaughtered, the more valuable female firstborn were spared to contribute their resources of milk, wool, and herd reproduction to the local economy.[150] Fourth, the meat of young animals was a delicacy, so the mandatory slaughter of firstborn males would have been viewed as more special and rare than most other scenarios of meat consumption.[151] Fifth, since females tended to live 5–6 years compared to males, who lived 2–4 years, we can infer that the impact of the firstborn law would have been further attenuated. If a female birthed one offspring a year for 4–5 years of its life, only 20-25% of its offspring would have been a "firstborn."[152] This percentage of firstborn would have decreased further with each additional year of breeding.[153]

Besides my restrictive interpretation of Deut 12:15 and 20-21, but still in light of zooarchaeological evidence, it is also possible to interpret the open-endedness of these passages

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[150] Although Num 18:15-17; and Lev 27:26-27 are ambiguous about the gender of the בכור, the majority of the other Pentateuchal בכור texts indicate that it was always a male; cf. Exod 13:12; 22:29-30; 34:19; Num 3:13, 40-43; 8:17; Deut 12:6, 17; 14:23; 15:19.

[151] Lidar Sapir-Hen, M. A. S. Martin, and Israel Finkelstein, "Food Rituals and Their Social Significance," *Int J Osteoarchaeol* 27 (2017): 1054.

[152] The בכור was also referred to as פטר־רחם, "womb opener," (cf. Exod 13:2, 12, 15; 34:19; Num 3:12; 18:15) which indicates that the בכור was reckoned according to the mother's line, rather than the father's.

[153] Cf. Redding, "Decision Making," 63, 70, discussed above.

as optimistic expectations that God's future blessings of agricultural and pastoral fecundity would increase in relation to Israel's anticipated faithfulness.[154] Additionally, אוה may be interpreted as open-ended based on *imitatio dei*. Mayer has observed that God's אוה is always parallel with בחר, "to choose," which signifies that God claims a freedom of choice for himself. The extension of אוה to the Israelites also extended freedom of choice to them. So, אוה was sufficiently open-ended to accommodate many different scenarios for non-cultic meat consumption, and even to accommodate an ideal future when God's blessing exceeded its Iron Age levels.

However, the reality of אוה in Deuteronomy 12 for the ancient audience of Deuteronomy would have been far more restricted. Meat consumption was a rare occurrence, due to ancient Israel's subsistence survival strategy. The limitation of local meat consumption to specific times (e.g., herd culling or family feasts) would have meant that non-cultic slaughter was unlikely to occur on the independent whim of the lay Israelite, but instead probably occurred in special, as opposed to ordinary times, and meals which featured meat consumption would have been more special than meals which did not. Additionally, if the method of humane slaughter was a specialized skill, as I suggested in section one above, and if non-cultic slaughter was performed infrequently, it would be difficult for lay Israelites to develop the skill required to humanely and efficiently slaughter their animals. Thus, we have reason to categorize several types of non-cultic slaughter as social or domestic rituals, which perhaps required oversight from a local ritual specialist, namely, the rural Levite.

[154] This balance of realism with optimism is also noticeable in Deut 15:1-6, where realistic provision are made for the poor and optimistically nullified in the hope that there will be no poor.

IV. The Gradation and Ritual Elements of Local Meat Consumption in Deuteronomy

The previous sections have been intended to develop and refine our perspective on a few elements of non-cultic slaughter for local meat consumption, namely the how (humanely and precisely, using שׁחט), when (mostly during herd-culling, but also at other times, not on the whim of the Israelite), what (mostly sheep, goats, and some cattle), and why (to provide meat, bones, hides, fertilizer, etc.). In the present section I proceed by attempting to understand how an ancient Israelite might have perceived local meat consumption. I will propose a typology of local meat consumption and analyze its ritual elements to develop a graded model of local meat consumption in Deuteronomy. Although the gradation of Israelite cultic meat consumption has been thoroughly treated by Philip Jenson, I have not found any treatment of graded local meat consumption in Deuteronomy. Once the gradation of local meat consumption has been graded we can combine it with Jenson's gradation of cultic meat consumption to provide a full picture of Israelite meat consumption across the socio-cultic spectrum. We will see that some types of local meat consumption seem to have been social or domestic ritual acts, whereas other types seem to have been non-ritual acts. Additionally, whenever it proves beneficial, my analysis will be informed by Rüdiger Schmitt's archaeologically-based typology of Syro-Palestinian Iron Age cult places.[155] I will suggest that Deuteronomy presents or assumes six distinct types of non-cultic slaughter: triennial tithe, blemished firstborn, טהור (clean) animals, נבלה (animals who died naturally), טרפה (torn field animals), and טמא (unclean) animals; which are (unintentionally) comparable to the six types of cultic slaughter in Jenson's gradation.[156]

[155] Schmitt, "Typology." See especially his charts on pp. 279-81.

[156] Jenson, *Graded Holiness*, 178–79. טרפה, although not explicitly part of Deuteronomy's gradation of non-cultic slaughter (see Exod 22:30), are probably assumed by it and may have not been reiterated because there was no need to modify this particular prescription.

I mentioned in chapter two that the most basic structural components of a hierarchical society are binary oppositions, which may be combined to form complex hierarchical groupings within social and ritual systems.[157] In the present section, the ritual system is meat consumption, which at the macro-level has a binary opposition of cultic:local meat consumption.[158] At all levels of Israel's socio-cultic hierarchy the rituals inform one another by analogy, so that "each element 'defers' to another in an endlessly circular chain of reference."[159] Mary Douglas' observations of meals are especially poignant:

> [T]he meaning of a meal is found in a system of repeated analogies. Each meal carries something of the meaning of the other meals; each meal is a structured social event which structures others in its own image. The upper limit of this meaning is set by the range incorporated in the most important member of its series. The recognition which allows each member to be classed and graded with the others depends upon the structure common to them all…there is no single point in the rank scale, high or low, which provides the basic meaning or real meaning. Each exemplar has the meaning of its structure realized in the examples at other levels.[160]

This is precisely the nature of the relationship between cultic and local meat consumption. Cultic meat consumption rites were extensions or elaborations of local social, domestic, or non-rites, and vice versa. The significance of cultic meat consumption depended to some extent upon local meat consumption, without which there would be no analogous relationship; no way of communicating the meaning of the cultic ritual in relation to social, domestic, or non-rituals.

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[157] Bell, *Ritual Theory*, 102.

[158] Bell, *Ritual Theory*, 124–25.

[159] Bell, *Ritual Theory*, 101; cf. Douglas, "Deciphering a Meal," 251. Douglas, *Leviticus as Literature*, 18–25, observes that Leviticus uses "verbal analogies" to link the consecration of priests with the consecration of the altar, which requires the reader to use the whole system of analogies to discern their collective meaning.

[160] Douglas, "Deciphering a Meal," 260.

Contrary to Weinfeld, locally occurring non-cultic meat consumption was not a secularized concession in Deuteronomy; it was a *fundamental* part of the broader socio-cultic ritual system of meat consumption.

My analysis of local meat consumption will be guided largely by Klingbeil's nine ritual elements mentioned in chapter two: situation and context (triggers), structure, order and sequence, space, time, objects, actions, participants and roles, and sounds and language.[161] I will also consider how local meat consumption in Deuteronomy may have functioned according to Klingbeil's ten ritual dimensions.[162] However, in order to nuance and clarify the social, domestic, or non-ritual character of local meat consumption I will expand and particularize some of his categories to suit Deuteronomy's particular "literary strategy."[163] Additionally, Klingbeil suggests that the "[e]lements that are highlighted by the author/editor…will provide hints with regard to [the ritual's] function in the larger religious and cultural context."[164] I will suggest below that most of the ten ritual dimensions are evident in Deuteronomy's description of local meat consumption, but certain dimensions will be better highlighted by Deuteronomy than others.

[161] Klingbeil, *Bridging the Gap*, 128–29.
[162] Klingbeil, *Bridging the Gap*, 224–25.
[163] Klingbeil, *Bridging the Gap*, 130. Klingbeil adds that the ritual elements are not an order or structure that has been imposed on ritual, but a description of them, and due to the "literary strategies employed by the author/editor of the text."
[164] Klingbeil, *Bridging the Gap*, 132.

A. The Ritual Elements of Non-Cultic Slaughter in Deuteronomy

1. The Situation and Context (Trigger)[165]

Table 1: Situation and Context Trigger for Local Meat Consumption	
Triennial Tithe	Prescriptive command to observe the triennial tithe locally (Deut 14:28-29)
Blemished Firstborn	Blemished firstborn regarded as invalid for sacrifice (Deut 15:21-23)
טהור Slaughter	אוה to eat meat (Deut 12:15, 20-21)[166]
Clean נבלה	Natural mortality (Deut 14:21)
טרפה Animals	Mortality by predatory animal (Exod 22:31)
טמא Animals[167]	Any cause of mortality

The situation and context that triggered local meat consumption varies for each type of consumption. Triennial tithe consumption was triggered by the prescription to observe the triennial tithe (Deut 14:28-29). I have graded triennial tithe consumption at the top of this category, since its trigger was most closely related to triggers of the cultic sphere (i.e., commands to observe the חגים, cf. Deut 16:16). Blemished firstborn consumption was triggered by the invalid cultic status of the animal (15:21-23), and by the impracticality of keeping the animal alive to consume resources. The blemished firstborn is graded second since the בכור offering was cultically triggered, but became socially triggered due to the blemished status and

[165] Klingbeil, *Bridging the Gap*, 134–46.

[166] See section three above.

[167] Some or all of the animals belonging to the category of "unclean" in Deut 14:3-21, were consumed by foreign cultures outside of Israel, but Deuteronomy does not elaborate on the details of foreign meat gradation systems. At most, it alludes to them with נבלה consumption in order to reinforce Israelite boundaries in contrast with foreign practice. Since the present analysis pertains only to Israelite gradation of meat consumption, I will not discuss foreign meat consumption in greater detail.

could be consumed by the clean and unclean (Deut 15:22). Consumption of טהור animals was triggered by אוה to eat meat (12:15, 20-21), which was largely restricted to times of herd culling. It is graded third because the trigger occurred entirely in the social sphere, probably occurred in the cultic off-season (as the binary opposite to cultic consumption), and could be consumed by the clean and unclean (Deut 12:15, 22). Consumption of נבלה was triggered by the animal's spontaneous natural death. It is graded fourth because the trigger, although in the social sphere, was spontaneous rather than human-initiated, which made the meat invalid for Israelite consumption. Likewise, the consumption or use of a טרפה carcass, was triggered by spontaneous death rendered by a predatory animal (Exod 22:30). It is graded fifth because the spontaneous and violent nature of the animal's death made it unsuitable for human consumption.[168] Consumption of טמא animals is not treated by Deuteronomy, but their inclusion in the dietary laws for Israel (Deut 14:3-21) suggests that they would have been consumed in foreign contexts, and we can surmise that their consumption could have been triggered by any number of factors which Deuteronomy does not care to discuss.

[168] However, Lev 17:15-16 allows for Israelites to consume the נבלה and טרפה.

2. Structure, Order, and Sequence[169]

Table 2: **Structure, Order, and Sequence of Local Meat Consumption**	
Triennial Tithe	Inspection → זבח → Blood drained [170] → Butchered → Blood poured → Blessing → Consumption
Blemished Firstborn	Inspection → זבח → Blood drained → Butchered → Blood poured → Blessing → Consumption
טהור Slaughter	זבח → Blood drained → Butchered → Blood poured → Blessing → Consumption
Clean נבלה	Natural death → Butchered and/or sold → Blessing? → Consumption
טרפה Animals	Violent predatory death → Blood naturally drained → Butchered → Consumption
טמא Animals	Unclear

The structure, order, and/or sequence of local meat consumption types in Deuteronomy is among the most ambiguous ritual elements. Some details may be gleaned, but many must be inferred from comparative texts or occasionally a general knowledge about the consumption process. Since local meat was always consumed in the context of a meal, we can expect the sequence of events to be analogous between one type of consumption and another. However, the analogy between meals is not based only on their similarities, but also on their differences. Unfortunately, due to the ambiguity of the text it will be difficult to know definitively how each type may have been nuanced. The important actions of local meat consumption will be described as: inspection, method of death, butchering, blood handling, blessing, and consumption.

The triennial tithe began with an inspection of the animal, namely, an oath verifying that the animal was valued at the full amount of pastoral tithe (Deut 26:12-15), followed by the זבח of the animal (12:15, 21), which entailed humanely cutting the throat of the animal and draining

[169] Klingbeil, *Bridging the Gap*, 147–59.

[170] On draining blood before butchering, see points 5 (Objects) and 6 (Actions). In general though, from Deuteronomy's perspective, blood draining was a requisite for any meat consumed by an Israelite. In contrast, Lev 17:15-16 allows for Israelites to consume the נבלה and טרפה, despite prohibiting blood consumption in 17:10-14.

and collecting its blood. The carcass was subsequently butchered and the parts distributed according to social status.[171] At some point the ritual specialist poured out the blood, a social-level rite that equated the blood's status and function with water as an agricultural stimulant. Finally, the meal would have been blessed, either by the ritual specialist or a high-status citizen (i.e., elder), and consumed by the festal participants including the lay Israelites, their families, the Levite, and the *personae miserae* (14:28-29).[172] The triennial tithe is graded first because with respect to the sequence of events it probably closely resembled cultic ritual, except primarily in blood handling.

The consumption of blemished firstborn would have followed a similar process, except that the inspection stage would have entailed verifying the animal's blemish to ensure that it was invalid as a standard בכור offering. I have graded the blemished firstborn second because the inspection stage is never described by Deuteronomy and if it occurred, was probably informal.[173]

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[171] This type of distribution parallels cultic distribution of the שלמים (Lev 7:32-34; Num 18:18), which is the type of offering that the annual tithe functioned as, and which the triennial tithe was modeled after. Certain aspects of this can be observed in other festal contexts (e.g., 1 Sam 9:23-24). However, it is noteworthy that 1 Sam 9:23-24 describes a time when cultic high places were still operational. One could argue that this type of status-based distribution of the animal carcass was exclusive to cultic events and was not performed with non-cultic slaughter after the local cultic sites were decommissioned. However, 1 Samuel 9 differs from Leviticus 7 and Numbers 18. Whereas 1 Samuel 9 describes the distribution of a special meat portion (a שׁוק, "thigh") to Saul as an honored guest (who is not yet king), Leviticus 7 and Numbers 18 prescribe the distribution of specifically the right thigh to the priests. I interpret this discrepancy and the non-specific terminology of 1 Sam 9:23-24 to mean that the שׁוק הימין "the right thigh" was still reserved for the ritual specialist (Samuel), whereas the other שׁוק was only slightly less special and reserved for the highest status honored guest (Saul). It is unclear whether the cultic distribution of שלמים parts was exactly copied in local meat consumption, or if there was some variation. However, I have proposed in chapter four that the elevation of triennial tithe festal participants would have accommodated a similar distribution, with the right thigh going to the Levites, and the rest going to the lay Israelites and *personae miserae*.

[172] The Levite would have been likely to bless the meal because of his ritual specialist status, which was paralleled by Samuel's status as the man of God, i.e., ritual specialist (1 Sam 9:6, 13).

[173] That Deut 15:19-23 acknowledges a distinction between blemished and unblemished firstborn, and that Deut 17:1 altogether prohibits the sacrifice of blemished animals suggests that in the cultic contexts animals would have been inspected for blemishes, to ensure that they were not sacrificed. Likewise, we may infer that there could have been a concern with local owners attempting to withhold an unblemished firstborn from the cult to consume it for himself and his family instead.

Consumption of טהור animals would have followed a similar process to the above, except it would not have entailed an inspection stage since there was no concern for blemish (Deut 12:15, 22). I have graded טהור consumption third because it would not have required an inspection.

For the נבלה the sequence and elements were altered in significant ways. Since the נבלה died by natural causes, there was no need for inspection, זבח, or blood handling. This prevented the Israelite from consuming the נבלה (cf. Deut 12:16, 24), and necessitated that it be given to the גר or sold to the נכרי for their consumption.[174] We should expect that the carcass was butchered and consumed as a standard meal, perhaps in the household context, but it is uncertain whether or how the גר, or the נכרי would have blessed the meal. I have graded נבלה consumption fourth because of these significant deviations in sequence. The טרפה, was consumed by dogs (according to Exod 22:31), and died neither by humane זבח nor natural death, but by being ripped apart by a predatory animal. The carcass may have been butchered to make it easier to distribute, but there would not have been blood rituals or blessings before the טרפה was consumed. I have graded טרפה consumption fifth because of these additional deviations in sequence. Deuteronomy does not elaborate on טמא animal slaughter, so it is again graded last.

[174] Craigie, *Deuteronomy*, 232; Christensen, *Deuteronomy 1:1-21:9*, 293; Nelson, *Deuteronomy*, 180–81. Lundbom, *Deuteronomy*, 476, notes that the נבלה could be consumed by Israelite and גרים in Lev 17:15-16. McConville, *Deuteronomy*, 250, attributes the difference between Lev 17:15-16 and Deut 14:21 to the emphasis on Israel's holiness contrasted with other nations' relative lack of holiness.

3. Space[175]

Table 3: Space of Local Meat Consumption	
Triennial Tithe	In the שׁערים, possibly near the decommissioned altar?
Blemished Firstborn	In the שׁערים, possibly near the decommissioned altar, possibly in individual homes?
טהור Slaughter	In the שׁערים, possibly near the decommissioned altar, possibly in individual homes?
Clean נבלה	In the field, then the household of the גר or נכרי, or the town market
טרפה Animals	In the field, then butchered in the household
טמא Animals	Outside of Israel

To understand the space or location in which local meat consumption may have occurred, it will be helpful to draw insight from Schmitt's cult place typology. Schmitt has identified eight types of cult places. Type I were located in the domestic sphere, and could take the form of type IA, a nuclear family's use of cultic paraphernalia anywhere in the home, or type IB, a nuclear family's use of a specific location within the home (e.g., a room or shrine) where nuclear or extended family cultic activities would occur.[176] Type II were located in the work environment, and could take the form of Type IIA, a nuclear family's or joint families' use of a specific location in a workshop, storage building, or domestic structure, or Type IIB, joint families' or wider kinship group's use of a workshop or industrialized area. Type III were neighborhood shrines located in a fixed location and used by a group between the size of a nuclear family and a neighborhood. Type IV were located in caves or extramural locations and used by a group between the size of a nuclear family and a neighborhood for the cult of the dead. Type V were independent or free-standing structures that functioned as local and village shrines (Type Va),

[175] Klingbeil, *Bridging the Gap*, 160–68.
[176] Schmitt, "Typology," 266–67.

high places (Type Vb), or gate sanctuaries (Type Vc), and were used by a village or community. Type VI were palace shrines used by administrative elite. Type VII were open-air (Type VIIa), shrine or temple regional sanctuaries (Type VIIb), used by regional inhabitants (i.e., tribes). Type VIII were supraregional sanctuaries used by national citizens (i.e., the central sanctuary). Schmitt identifies every type of cult place with ritual meals, however, he adds "Animal slaughter was an important religious practice within these outer circle realms, as evinced at Type V local or city-level structures, Type VII regional structures, and Type VIII supraregional structures."[177] It is important to recognize that Schmitt's typology of cult places accommodates all potential cult places over the span of the Iron I to IIC, which means that some types of cult places could have been decommissioned or ceased to be used by the time of cult centralization.[178] For our purposes, it seems likely that all types of local meat consumption could have occurred in decommissioned versions of Type V, i.e., post-centralization decommissioned village shrines, temples, high places, or gate sanctuaries, especially since meat consumption was a communal act. However, it is also possible that some types of local meat consumption occurred in other contexts (except for טמא animals, which would have been slaughtered in foreign lands).

The location of triennial tithe slaughter may have occurred near where the local altar (Type V) had been (cf. the replacement of the altar at Arad for an oven, suggesting that non-cultic cooking continued in the previous cultic location) and/or in close proximity to where the tithes were deposited.[179] Triennial tithe consumption has been graded first because of the likelihood that it would occur at a larger-scale cult place. The consumption of blemished firstborn and טהור animals may have also occurred near the decommissioned altar (hence the

[177] Schmitt, "Typology," 277.
[178] Schmitt, "Typology," 267.
[179] Aharoni, "Arad: Its Inscriptions and Temple," 26.

dashed lines), but depending on the circumstances for which these animals were slaughtered and consumed, it is also possible that they could have occurred in specific neighborhoods (Type III), or domestic contexts (Type I). I have graded the blemished firstborn and טהור animal consumption second and third because of the possibility that they could occur in lower-scale cult places.

The נבלה died in the field but would have been consumed in the home of the גר and/or נכרי (Type I) or a neighborhood of other גרים and/or נכרים (Type III), though it could not have been consumed by Israelites. I have graded נבלה consumption fourth because it was not likely to occur at a larger cult place, but was limited to primarily the neighborhood or domestic context. Likewise, טרפה would have died outside the town, but probably would have been distributed to the dogs in a domestic context (Type I), though probably without any ritual overtones.[180] I have graded טרפה consumption fifth because of its occurrence in the domestic non-ritual context. The location of טמא animal slaughter would have been in a foreign land.

4. Time[181]

Table 4: **The Time of Non-Cultic Slaughter**	
Triennial Tithe	September to October (cultic time of annual tithe/Sukkot)
Blemished Firstborn	January to May or in direct proximity to Shavuot
טהור Slaughter	November to February (mostly during herd culling)
Clean נבלה	Any time

[180] On household dogs, see Edwin Firmage, "Zoology," in *ABD*, ed. David Noel Freedman, vol. 6 of (New York: Doubleday, 1992), 1143; Propp, *Exodus 19-40*, 273. Perhaps we could label the non-ritual domestic context as "Type 0."

[181] Klingbeil, *Bridging the Gap*, 168–73.

טרפה Animals	Any time
טמא Animals	Not in Israel

Local meat consumption at the top of the hierarchy occurred in more controlled/prescriptive time, with the gradual decrease of temporal prescription proceeding down the hierarchy, to the point that time was completely random. Since the concern is the extent to which the time of meat consumption was a ritual element (i.e., occurring in ritual time), my gradation gives greater weight to human agency in the timing of consumption, than to other factors which may have influenced the timing of consumption. Triennial tithe consumption occurred in ritually prescribed time immediately prior to or in conjunction with Sukkot (Deut 14:28-29).[182] Due to its correlation with the cultic ritual calendar, and therefore with cultic ritual time, I have graded the triennial tithe first. Although the consumption of blemished firstborn could have occurred at any time within the year, based on the open-ended timeframe of unblemished firstborn consumption (Deut 15:20), it would seem more likely to occur before the animal was 6 months old (most likely around May if it was born in the winter), since firstborn were scheduled for slaughter at this time anyway (for Shavuot) and would have been a liability to keep much longer than 6 months.[183] I have graded the blemished firstborn second because although it was technically disconnected from cultic ritual time, due to its blemish, its consumption around the same time as Shavuot was still human-initiated and may have been viewed as a social or domestic alternative to the cultic firstborn slaughter ritual.

[182] See chapter four, section one.

[183] Another compelling use of blemished firstborn may have been in funerary meals. Sapir-Hen, et al, "Food Rituals," 1048–58, has surveyed MBIII-LBI faunal remains interred with human remains at Megiddo. Her analysis has suggested that the consumption and burial of primarily young (not necessarily firstborn) sheep, due to the luxury status of their tender meat, may indicate that they were chosen for burial meals in order to signify the higher status of the interred individuals. This is significant to the present study to the extent that *if* similar practice existed in Iron age Israel, the slaughter of blemished firstborn at a young age could have been reserved to provide high value tender meat to honor local residents who died within the first half of the year. It is also possible that young non-firstborn animals could have been slaughtered for the same purpose, though they would have held a lower status in the gradation hierarchy than the blemished firstborn.

Consumption of טהור animals *could* have occurred at any time throughout the year, but I have asserted above that most טהור animal consumption occurred during herd culling from November to February. Although the time of herd culling was connected to the age of the animal and its meat yield, which were ultimately determined by the animal's birth season, herd culling was not based only on the animal's birth season. Rather, as noted above, herd culling was also motivated by other factors including the cultic calendar, the agricultural cycle, and a lack of meat. So, most טהור animals were probably consumed during the winter months due to human אוה, and based on a human strategy to consume meat in the cultic off-season, regulate herd resource consumption, optimize the cost to benefit ratio of animal feed and meat yield, and provide calories which were missing from the human diet. I have graded טהור animal consumption third because although it was heavily influenced by human agency and subsistence survival strategy, it did not occur in cultic ritual time, but was somewhat open compared to e.g., the triennial tithe.

Consumption of clean נבלה was spontaneous to the extent that it could occur at any time.[184] However, because the breeding cycle could be somewhat controlled by human agency, and since about 15% of animals died within the first six months of life, the timing of נבלה consumption could have been somewhat anticipated. Consumption of טרפה animals was

[184] Clean animals which died naturally were טהור based on their species, but unholy/profane on the other hand based on the unregulated timing and manner of their death. The unholy/profane status of naturally dead animals is indicated by the contrast between the dead animals and Israel as a holy people (Deut 14:21) cf. Craigie, *Deuteronomy*, 232; McConville, *Deuteronomy*, 250; Nelson, *Deuteronomy*, 180–81. Nelson also affirms the liminal state of the נבלה offering in establishing a "sharp ethnic boundary."

unregulated by human agency or strategy, and was potentially spontaneous. However, although טרפה could have been consumed at any time throughout the year, it is possible that the mauling of animals was more frequent during predatory seasons.[185] I have graded נבלה consumption fourth and טרפה consumption fifth because it seems to me that the timing of נבלה consumption was more restricted than טרפה consumption. However, both נבלה and טרפה could be grouped together (hence, the dashed line) since they seem to have no basis in ritual time. Finally, the טמא animals, whether the manner and time of their death was regulated or not, belonged outside of the Israelite graded hierarchy but within foreign society.

5. Objects[186]

Table 5:
The Objects Used in Local Meat Consumption

	Animals and Humans	Blood	אדמה	Utensils[187]
Triennial Tithe	טהור animals, טהור humans (Deut 26:14)	Utilized (Deut 12:16, 23)	Blood is applied (Deut 12:16, 23)	Chalices, goblets, bowls, knives suitable for humane slaughter
Blemished Firstborn	טהור animals, טהור and טמא humans (Deut 15:22; cf. 12:15, 22)	Utilized (Deut 12:16, 23)	Blood is applied (Deut 12:16, 23)	Same as above
טהור Slaughter	טהור animals, טהור and טמא humans (Deut 12:15, 22)	Utilized (Deut 12:16, 23)	Blood is applied (Deut 12:16, 23)	Same as above

[185] Firmage, "Zoology," 1143. In the case of the bear, at least, its hibernation cycle may have attenuated frequencies of טרפה.

[186] Klingbeil, *Bridging the Gap*, 174–81.

[187] Based on the utensils noted for Types I–V in Schmitt, "Typology," 279–81.

Clean נבלה	טהור animals treated as טמא, טמא humans (Deut 14:21)	Consumed	No function	Basic meal utensils
טרפה Animals	טהור animals treated as טמא (Exod 22:30)	Consumed	No function	A butchering knife
טמא Animals	טמא animals, טמא humans (Deut 14:3-20)	Unspecified	No function	Unspecified

Several objects were utilized in local meat consumption by analogy with cultic meat consumption objects. These included animals, blood, the ground, and utensils. The species of animals utilized in local meat consumption was largely equivalent to those in cultic consumption, i.e., caprines and bovines, though species of wild game would have been exclusive to local consumption in small percentages.[188] Animal species corresponded with the ritual purity of the consumer to establish a graded hierarchy for local meat consumption. Like the שׁלמים, the טהור animals slaughtered during the triennial tithe must have been consumed only by ritually טהור humans (cf. Deut 26:14). However, local consumption of טהור blemished firstborn animals, and טהור animals in general could have been consumed by ritually טהור and טמא humans (Deut 12:15, 22; 15:22). Additionally, טהור animals that became נבלה were treated as טמא and could only be consumed by טמא humans (גר and נכרי), but not by טהור and קדוֹשׁ Israelites (Deut 14:21). Finally, טהור and טמא animals that became טרפה, and animals that were always classified as טמא were regarded as טמא and could only be consumed by dogs and טמא humans,

[188] See section three above.

respectively (Exod 22:30; Deut 14:3-20). In short, we can observe that the purities of the human consumers, of the type of slaughter, and of animal species were interrelated in the gradation of local meat consumption from the triennial tithe to טמא animals.

Blood was another object utilized in local meat consumption.[189] As suggested in section two above, the use of water-like blood in local meat consumption may have been perceived as purifying the שׁערים, and/or stimulating agriculture. Whereas these functions may have been accomplished during the local consumption of the triennial tithe, blemished firstborn, and טהור animals, they could not have been accomplished by the נבלה, טרפה, or טמא animal types. So, the use of blood as a ritual object contributes in a small way to the gradation of local meat consumption by creating a binary opposition between the first three types and the last three types of meat consumption. The parallel status of water-like blood applied to the ground in local meat consumption, and water-like blood applied to the gutters of the altar in cultic meat consumption also contributes to the broader socio-cultic gradation schema.[190] It forms a link between cultic and social ritual, since the lowest status cultic blood and all blood drained in local meat consumption held the ritual status of "like water." Related to the use of blood as a ritual object is the location or object that it was applied to.

The ground was a ritual object that paralleled and contrasted with the altar in function. The two were contrasted to the extent that the altar was a platform on which animals were

[189] William K. Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore: The Johns Hopkins University Press, 2004), takes a similar ritual critical approach to blood rituals in the HB. However, he remains mostly agnostic about what we can determine about the symbolism of blood, compared to what the text conveys about the results or effects of blood.

[190] Cf. m. Zebaḥ. 6:2; b. Zebaḥ. 53a. Non-cultic water-like blood would have been graded just below cultic water-like blood, which was graded below blood applied to the altar below the red line, and blood applied to the altar above the red line.

sacrificed and offered in part or in whole to God, whereas the ground performed no such function. However, the two were similar in that blood was applied to both for ritually significant blood disposal. As with blood handling, so also with the use of the אדמה. Whereas the אדמה of Israel received the blood of the triennial tithe, blemished firstborn, and טהור animals, it did not receive the blood of נבלה, טרפה, or טמא slaughtered in a foreign context.[191] It is interesting that the latter three were not given to Israelites, but helped to establish a social boundary between Israel and foreign peoples and lands. The use of אדמה and blood in local meat consumption seem to reinforce this boundary.[192]

Ritual utensils were integral to facilitating cultic meat consumption. Such items could include, קערה, "plates," כף/כפור, "cups/bowls," מנקית, "libation bowls," קשׂוה, "pitchers," מזרק, "wine bowls," מזלג, "three-prong meat forks," and סיר, "pots."[193] Because cultic consumption functioned as a glorified social or domestic meal, we can infer that many or all of these utensils had analogs in local meat consumption. This is supported by the assemblage of utensils found at the Iron II cult center at Tel Dan, which Jonathan Greer has analyzed to contain deposits of various vessels (deep and shallow bowls, storage jars, jugs, platters, cooking pots, i.e., "local domestic ware") that were used in the storage, preparation, and consumption of cultic food.[194]

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[191] Some of the טרפה blood would have naturally spilled onto the ground, but the animal was not properly drained or handled in any other ritually significant way. It could still practically fertilize the soil, but lacked any semblance of ritual significance.

[192] The ground of Israel held a different status than the ground of other lands, based on cosmic geography. See chapter two.

[193] For lists of the utensils, especially cooking utensils, used in cultic meat consumption cf. Exod 25:29; 27:3; 38:3; 37:16; Num 4:7, 14; 1 Kgs 7:40, 45; 1 Chron 28:17; Jer 52:18-19.

[194] Jonathan S. Greer, *Dinner at Dan: Biblical and Archaeological Evidence for Sacred Feasts at Iron Age II Tel Dan and Their Significance*, CHANE 66 (Brill: Boston, 2013), 72–76, 76-79.

The ubiquity of these items in meals across the socio-cultic spectrum justifies why Deuteronomy need not have included them in its description of local meat consumption. Rather than asking why Deuteronomy does not describe ritual utensils we should instead ask: Why would they not be used? Participants in social and domestic level ritual meals would have eaten meat from cups/bowls, and plates. Meat would have been cooked either by boiling or by roasting, which would have necessitated the use of a cooking pot and a three-pronged fork.[195] Yet, the use of ritual utensils for two stages in local meat consumption requires further explanation. As mentioned in section one, the sequence of slaughter is rarely described in full, as exemplified by Lev 4:4-7, where שׁחט implies not only the method of cutting, but also the use of a straight-edge ritual blade in order to facilitate humane slaughter.[196] Additionally, the animal's blood needed to be collected and ritually disposed of, which necessitated the use of a ritual vessel, even in a local context. Although knives and blood bowls are conspicuously absent from both cultic and non-cultic slaughter in Deuteronomy 12, when Deut 12:15-16 and 20-24 instructed the Israelites to זבח an animal in a non-cultic setting, i.e., to humanely slaughter the animal by swiftly cutting its esophagus, jugular, and carotid artery, it assumed the use of a razor-sharp, straight-edge blade to accomplish the task, and a bowl to collect the blood. Whether the blade would have been a ceremonial or ritual blade, as was used in cultic slaughter, or just a very sharp knife is unclear. It is plausible that any type of local slaughter which necessitated a ritual specialist would have also required a special knife designated for this specific purpose, one of what we might call the ritual specialist's tools of the trade. As we consider the types of utensils

[195] See number 7 on ritual roles and participants for a discussion of cooking method.

[196] Mishnah Ḥullin 1:2 specifies that a straight-edge knife must be used for humane slaughter (e.g., a hand sickle, flint, or reed blade), whereas a serrated blade was unacceptable (e.g., a scythe, saw, or teeth). Cf. Richter, "Environmental Law," 374.

used in local meat consumption, we notice that they would have been largely the same kinds of items, since any meal would have required the same basic items, regardless of context. These belong to Schmitt's category of "Utilitarian Vessels," as opposed to "Ritual Objects and Vessels," or "Possible Ritual Objects and Vessels."[197] The primary difference in ritual utensils would have been the use of a special knife and blood bowl in triennial tithe, blemished firstborn, and טהור animal slaughter, whereas the נבלה, טרפה did not require slaughter or blood disposal because the animal was already dead, making the use of a special knife and blood bowl superfluous.[198] In short, it is difficult to distinguish between objects used in the different types of local meat consumption. Whether consumption occurred in a Type I or up to a Type V context, the same objects were probably used. The only exceptions to this seem to have been the use of a blade, collection and disposal of blood, and the use of the ground. Whereas these objects were all part of triennial tithe, blemished firstborn, and טהור animal consumption, they were absent in נבלה, טרפה, and for our purposes טמא meat consumption. In the chart I have kept each type in the position it has tended to occupy in the gradation hierarchy, but I have emphasized similarities with the dashed lines, and indicated the sharp distinction between the first three and last three types with a thick double line.

[197] Schmitt, "Typology," 279–81.

[198] Deuteronomy provides no details on the use of ritual items in טמא consumption.

6. Actions[199]

Table 6: Actions of Local Meat Consumption					
	Method of Slaughter	Handling of Blood	Distribution of Carcass	Butchery Skill	Other Actions[200]
Triennial Tithe	זבח	Collected and/or poured on the ground	Status-based	High: By Levites	Animal slaughter, libation, ritual meals (at Type V cult place)
Blemished Firstborn	זבח	Collected and/or poured on the ground	Status-based	High–Moderate: By Levites and possibly lay Israelites	Same
טהור Slaughter	זבח	Collected and/or poured on the ground	Status-based	High–Amateur: By Levites and/or lay Israelites[201]	Same
Clean נבלה	Natural death	Not handled	Probably status-based	High–Amateur:[202] By גר or נכרי	Libation, ritual meals (Type I & III cult place)
טרפה Animals	"Natural" death	Not handled	Not status-based	Amateur: By the lay Israelite	None
טמא Animals	Unspecified	Unspecified	Unspecified	Unspecified	Unspecified

Ritual action is another important element for establishing the gradation of local meat consumption. The six types of consumption are related to one another by analogy, so they share several related actions. However, the nuancing or entire absence of certain actions helps to stratify some types of consumption above or below others. We will see that the most significant variables in ritual actions will be the method of slaughter, blood handling, and butchering

[199] Klingbeil, *Bridging the Gap*, 181–89.

[200] Based on the "Cultic Activities" column in Schmitt, "Typology," 279–81.

[201] Dependent upon the context within which the animal was slaughtered, whether a large scale communal herd culling or feast, or for individual household consumption.

[202] Dependent upon whether the נבלה was consumed in the home or sold on the foreign market.

technique. As discussed previously, Deuteronomy uses זבח in parallel with שׁחט to refer to cutting an animal's throat and collecting its blood. This method applied to triennial tithe, blemished firstborn, and טהור animal slaughter. However, since נבלה and טרפה were already dead, זבח was not performed on them. Additionally, Deuteronomy does not specify how טמא animals were slaughtered outside of Israel.

Blood handling was another significant ritual action as discussed in sections one and two. In a cultic context, once the animal was זבח'd a Levite collected the blood in a bowl and brought it to a priest, who would apply the blood to cultic items (e.g., the altar) as determined by the type of sacrifice. The rest of the blood would have been poured out. In a local context, the same process was operative, except that rather than collecting the blood into a bowl for application to cultic items, all of the blood would have been collected and poured onto the ground (Deut 12:16, 24). The purpose of pouring the blood may have been to purify the land of the שׁערים and/or to stimulate agriculture. These blood rites distinguished cultic meat consumption from local meat consumption, but they also distinguished some types of local consumption from others. Blood handling only occurred in triennial tithe, blemished firstborn, and טהור animal types of consumption, i.e., as social rituals, but for the נבלה, which may have been consumed in a domestic ritual meal, and for טרפה which were consumed in a domestic non-ritual context, there could have been no blood rites, since the animal did not die by זבח. With respect to the טמא animals, there may have been blood rites, but since these occurred outside the Israelite socio-cultic sphere, i.e., in foreign lands, Deuteronomy does not describe them. So, we observe a

gradation of blood rites from cultic ritual, to social ritual, to domestic ritual, and to domestic non-ritual.

The last significant ritual action of local meat consumption which will be considered here is the butchering technique. This refers to status-based distribution of animal parts, and to the skill involved in butchering an animal. The distribution of parts in local טהור animal consumption was probably analogous to the status-based distribution of the cultic שלמים animal carcass, so that the שוק הימין "right thigh," was reserved for the ritual specialist, who in the local context was the rural Levite, and the other שוק was only slightly less special and reserved for the highest status honored guest, with the remaining edible parts consumed by other participants. Mary Douglas has observed an even more elaborate gradation of animal parts, based on how they were to be arranged on the altar, and how they were distributed to the participants.[203] She adds, "through the world wherever sacrifice is practiced an elaborate symbolism governs the selection of animal victims, each gesture for the sacrifice is minutely prescribed, the animal parts cut and coded, and every detail loaded with meaning."[204] Although Douglas is commenting on gradation in Leviticus' cultic meat consumption, she is ultimately suggesting that ritual specialists viewed "coded" animal parts through a particular lens. In other words, all animals, whether cultically or locally consumed, were butchered and coded according to the same pattern. Additionally, Jonathan Greer has observed in the faunal remains at Tel Dan's Iron II cultic installation a socio-cultically-based distribution of sacrificial animal parts. In the courtyard he observed a greater number of left-side portions (2/3 left-side, 1/3 right-side), whereas the opposite was observed in

[203] Douglas, *Leviticus as Literature*, 70–79.
[204] Douglas, *Leviticus as Literature*, 67.

the priestly chambers (1/3 left-side, 2/3 right-side).[205] Not only does this show status-based meat distribution in separate locations for priests and lay people, but it aligns with the biblical presentation of the "priestly portion."[206]

I would go further to suggest that the actual apportionment in each area suggests further distribution. If it were simply a matter of distributing right-side portions to cultic personnel and left-side portions to lay people, we would expect an even distribution of 100% right-side portions in the priestly chambers and 100% left-side portions in the courtyard. However, the actual distribution suggests that in the courtyard about 1/3 of the portions went to higher-status lay people, with 2/3 going to the lesser status lay people; and in the priestly chambers about 2/3 of the portions went to higher-status cultic personnel, with 1/3 going to lower status cultic personnel. This suggests that the right-side, left-side distinction did not fully equate to a cultic vs. non-cultic distinction. Rather, right-side denoted high status in the cult and in society, and left side denoted lower status in the cult and in society. This further substantiates and revises my claim in chapter four that the triennial tithe may have been allocated to the Levites and *personae miserae* based on a similar system. It is likely that the right-side portions of the triennial tithe slaughter went to the Levites and high-status lay people and the left-side portions went to the *personae miserae* and lower-status lay people. So, status-based distribution may have been ubiquitous across the socio-cultic spectrum, occurring with only slight variation in all manner of cultic and local meals. However, it would not have applied to the טרפה, which went to the dogs, and it may have taken variant forms within consumption of the נבלה and/or טמא animals.

[205] Greer, *Dinner at Dan*, 66.
[206] Greer, *Dinner at Dan*, 92, 101.

Whereas the status-based distribution of meaty parts to participants in local meat consumption probably would have been relatively consistent from one type of consumption to the next, the skill involved in butchering the animal probably would have followed a gradation pattern. The priests and Levites butchered animals as a large part of their עבדה.[207] Likewise, we can infer that the rural Levite would have butchered triennial tithe animals, and probably some or all of the blemished firstborn and טהור animals.[208] In short, due to their experience, the priests and Levites would have been highly skilled and efficient in butchering carcasses. However, due to the rarity of meat consumption as a special event, lay Israelites would have had much less experience and efficiency in butchering carcasses. So, the closer that local consumption got to the domestic context (Type I and III of cultic places), the more likely that slaughter and/or butchering would have been performed by less experienced household members, rather than by ritual specialists.[209] We should expect that the butchering of נבלה and טרפה would have been less skilled, and again, the butchering of טמא escapes the interests of Deuteronomy.[210] So, the skilled butchery of animals slaughtered in a local context would have descended as the slaughter moved from the cultic, to the social, and to the domestic context, though in all settings except the טרפה it is probable that the butchered portions were distributed according to social status. In light of

[207] Butcher marks are often present on faunal remains, and it is even possible to determine whether the mark was made while slaughtering, butchering, or preparing a carcass for consumption; cf. Greer, *Dinner at Dan*, 64–66; Sasson, *Animal Husbandry*, 94–95. Unfortunately, I am unaware of any assessment of butcher marks to determine the skill of the butcher.

[208] However, it is also possible that they employed community members to help slaughter the blemished firstborn and clean טהור.

[209] Although he is speaking of domestic rituals generally, Schmitt, "Typology," 266. comments that some members of the family would have been assigned to ritual specialization in cult places as low as Type IB.

[210] A possible exception might be the butchering of נבלה after it was sold to the נכרי. If the נכרי intended to sell the נבלה carcass, we might expect that they were skilled butchers who were well acquainted with the types of cuts available in foreign meat markets.

these observations, I have graded the types of local meat consumption just as they have been previously.

7. Participants and Roles[211]

Table 7: Participants and Roles in Local Meat Consumption			
	Participants	Roles	Purity Status
Triennial Tithe	Levite, lay Israelites, *personae miserae* (Deut 14:28-29; 26:12-15)	Ritual oversight, inspection, purification, slaughtering and restraint, blood handling, butchering, cooking, consuming	Clean (Deut 26:14)
Blemished Firstborn	Levite? lay Israelite, *personae miserae*? (Deut 12:15, 22)	Ritual oversight, inspection, slaughtering and restraint, blood handling, butchering, cooking, consuming	Clean and Unclean (Deut 12:15, 22)
טהור Slaughter	Levite? lay Israelite, *personae miserae*? (Deut 12:15, 22)	Ritual oversight? Slaughtering and restraint, blood handling, butchering, cooking, consuming	Clean and Unclean (Deut 12:15, 22)
Clean נבלה	נכרי ,גר (Deut 14:21)	Butchering, cooking, consuming	Unclean (Deut 14:21)
טרפה Animals	Lay Israelites, dogs (Exod 21:30)	Butchering, consuming	Unclean (Exod 21:30)[212]
טמא Animals	Unspecified (Deut 14:2-20)	Unspecified	Unclean (Deut 14:3-20)

The participants and roles in local meat consumption are important elements to discern, but their contribution to gradation is opaque. This group could include the rural Levite, lay Israelite households,[213] *personae miserae*, גרים, and נכרי, depending on the context and type of consumption. Because the triennial tithe would have equated to the activities performed at

[211] Klingbeil, *Bridging the Gap*, 189–96.

[212] The connection between purity and holiness is evident in Deut 14:1-21, especially v.21. So, the טרפה and טמא animals are both presented as unholy and unclean.

[213] Schmitt, "Typology," 266–67, identifies participants based on the level of the cult place. Type I and II could include nuclear, extended, joint family, and perhaps wider kin groups, Type III could include joint family, co-residential lineage, and neighborhood groups, and type V could include co-residential lineage and the wider village or city community.

Schmitt's Type V cult place, we should expect that the group of participants would have included anyone from the village or city (cf. Deut 14:28-29). Blemished firstborn and טהור animal consumption could have also equated to activities performed in Type V cult places, and therefore also included anyone from the village or city level. However, the delicacy of the blemished firstborn animal's young meat may have warranted consumption in a special intimate context, including the nuclear, extended, or joint-family context (especially if it were to coincide with mourning rituals).[214] Additionally, although most טהור animals were probably consumed in connection with herd culling (i.e., in the social context), which could have included the entire village or city, the regulations for טהור animal consumption are sufficiently open-ended to allow for it to occur in other contexts, i.e., the domestic context. In other words, whereas the context of consumption for the triennial tithe was restricted, the contexts of blemished firstborn and טהור animal consumption were probably less restricted to accommodate a potentially broad range of contexts (as suggested in section three above, e.g., during herd-culling). Depending on how social or domestic the context of local consumption was, the relationship and size of the participant group would have also varied from the size of a nuclear family to the entire village or city. The participants involved in נבלה consumption could have included only the גרים or נכרים, and perhaps their extended families. Finally, the participants in טרפה consumption could have included the household member who butchered the animal, and the dogs who consumed it.

The roles involved in local meat consumption were ritual oversight, inspection, purification, slaughtering (זבח) and animal restraint, blood handling, butchering, cooking, and

[214] Cf. Sapir-Hen, et al, "Food Rituals and Their Social Significance."

consuming. Although the ritual specialist could have performed one or more of these roles, ritual oversight would have been his chief responsibility. This entailed administering/overseeing the entire ritual process to ensure that it followed the proper procedures, and that it did not encroach on cultic or foreign procedure in key ritual elements. Because Deuteronomy emphasizes the distinction between the cultic and social spheres of Israel on the one hand (cf. Deut 12:5-28), and between Israelite and foreign or idolatrous practices on the other hand (cf. Deut 12:2-4, 29-31; 13:1-18), oversight from an experienced ritual specialist would have been absolutely necessary in social level (as opposed to domestic level) meat consumption. Whereas several elements of local meat consumption were analogous to cultic consumption and probably also to foreign consumption (e.g., some animal species and meat distribution), four elements in local meat consumption helped to distinguish it from other types. Namely, the application of blood to the ground rather than being applied to cultic objects or used for consumption (possibly a foreign practice), the use of זבח as a humane method of slaughter rather than other execution methods, the inspection of animals to ensure that they belonged to local rather than cultic consumption,[215] and the ritual purification of participants in the triennial tithe.

Ritual purity helped to distinguish the triennial tithe from other types of local meat consumption (Deut 26:12-15). As gatekeepers, the Levites were responsible for ensuring ritual purity in cultic consumption and would have been well-suited for ensuring it in triennial tithe consumption. Additionally, Jenson observes that in the cultic sphere even purity and impurity

[215] Animals were acceptable for local meat consumption rather than cultic meat consumption in various ways. Animals that were part of the tithe would have been valid for cultic consumption, but rendered invalid during the triennial tithe when they were consumed locally. Deuteronomy 26:13-15 suggests that some Israelites may have consumed triennial tithe animals in other non-cultic contexts. The oath ensured that this particular type of local consumption was regarded as exclusive from other types, despite their common non-cultic classification. Firstborn animals likewise would have been valid for cultic consumption, but blemished animals were only valid for local consumption. It would have been reasonable for the rural Levite as a ritual specialist to inspect all the firstborn in his town to verify their status as blemished or unblemished.

could be graded according to major and minor defilements.[216] Major impurities were treated with blood, whereas minor impurities were treated with water.[217] So, the concern for ritual purity during the triennial tithe would be a minor purity, but this was enough to distinguish it from the other types of local meat consumption, which had no concern for purity (besides the purity of the animal species).

Slaughtering entailed the specialized performance of זבח on the animal, which could be particularly complicated. Although Lev 3:1-2 suggests that the Israelite owner of the animal would perform זבח in a שׁלמים offering, and although the שׁלמים is the closest parallel to the triennial tithe, blemished firstborn, and טהור animal slaughter, the complicated nature of the procedure may have been best performed by the rural Levite as one of his ritual specializations.[218] This is most likely the case for the triennial tithe זבח, though it is less certain for the slaughter of blemished firstborn and some טהור animals, since these could have conceivably occurred within a domestic context, rather than in the larger social context of the שׁערים. Even if the rural Levite was responsible for slaughtering the animal, it is likely that the owner of the animal and members of his household may have helped restrain the animal in order to ensure a clean cut and humane slaughter.

I have suggested in section two that blood handling may have had two steps: collection and pouring. Although anyone could have collected blood in a vessel, this was one of the most

[216] Jenson, *Graded Holiness*, 226. Gradation was based on the duration of purification, the agent of purification, and whether the impurity was considered contagious.

[217] Jenson, *Graded Holiness*, 166. This seems to parallel blood status, which in lower grades took the status of "like water."

[218] This role is at least attested for the Levites in slaughtering the Passover lambs (cf. 2 Chron 30:17; 35:11; Ezra 6:20).

important rituals associated with local meat consumption, and would have been better performed by the rural Levite. Butchering entailed the dividing of the animal's carcass into parts according to the sacrificial pattern, with parts distributed to consumers according to status.[219] The rural Levite likewise had experience as a cultic butcher, which would have made him the ideal performer of this role in social contexts of local meat consumption. However, there is no reason why lay Israelites could not have functioned as butchers in the social context if the Levite oversaw their actions, or in the domestic context where such oversight would have been unnecessary. Cooking was an essential part of nearly every type of local meat consumption.[220] Despite the implicit need to cook the meat, the exact cooking method is not described, but most likely entailed boiling or roasting.[221] The role of cook could have been performed by anybody, though if the goal in cooking was to mirror or avoid mirroring cultic cooking methods, ritual oversight may have been necessary. Finally, the role of consumer was present in every type of local meat consumption, though some types of meat determined the type of consumer.[222] In fact, each of these roles would have been distributed differently amongst the ritual participants depending on the type or context of local meat consumption.

The triennial tithe would be the most diverse gathering of people, with the greatest diversity of roles. The rural Levite would have overseen the entire ritual process, but he may have also been responsible for slaughtering, handling blood, butchering, and/or consuming the

[219] See my discussion in the section immediately above on ritual actions.

[220] Except perhaps for the טרפה, which may not have been cooked, since it was fed to dogs (Exod 22:30).

[221] Boiling is attested for priestly and non-priestly meat consumption (cf. Exod 29:31; Lev 6:28; 8:31; Num 6:19; 1 Sam 2:12-17; 1 Kgs 19:21; 2 Kgs 4:38; 6:29; 2 Chron 35:13; Lam 4:10; Ezek 24:10; 46:19-24). Interestingly, Deut 14:21 also attests to boiling as a cooking method, though this text proscribes how not to boil meat (cf. Exod 23:19; 34:26). Roasting is also attested for priestly and non-priestly meat consumption (cf. Exod 12:8-9; 1 Sam 2:15; 2 Chron 35:13; Isa 44:16, 19).

[222] The נבלה could only be consumed by the גר or נכרי (Deut 14:21), the טרפה could only be consumed by dogs (Exod 22:30), and by inference the טמא could only be consumed by נכרי outside of Israel.

animal.[223] Other lay Israelites, perhaps high-status heads of households or specialized individuals (elders) may have been responsible for slaughtering (cf. Lev 3:1-2), cooking, and/or consuming meat. The *personae miserae* were probably regarded as the honored guests, since the feast centered around them (Deut 14:28-29; 26:13). The lay Israelite may have been responsible for cooking and consuming the animal. The slaughter of blemished firstborn and טהור animals may have been similarly complex with the same distribution of roles, but it is also possible that some of these events occurred in a domestic context, which would have limited the participants and the distribution of roles amongst them. These would have ideally been overseen by the rural Levite, perhaps providing him another means of sustenance for his non-cultic משׁמרת, but it is unclear whether the rural Levite's skills or oversight would have been required in domestic meat consumption. Additionally, the consumption of נבלה would have occurred in a domestic context and lacked the important components over which the rural Levite might have administered. Thus, the roles associated with נבלה consumption would have been butchering, cooking, and consuming. Similarly, the preparation of טרפה for the dogs would have only required butchering. The roles associated with טמא are undefined.

To summarize, the roles in local meat consumption would have been fairly consistent across the social and domestic spectrum, with the more cultically-related roles of ritual oversight,

[223] Schmitt, "Typology," 277. Schmitt adds, "Some kind of priesthood was responsible for the maintenance of cult practices and structures, from village shrines upward, employed either by local bodies (Type V) or centralized, official bodies (Type VII, Type VIII, and perhaps Type VI)." Although this statement pertains to official cult places that were decommissioned by centralization, I have asserted that the triennial tithe, blemished firstborn, and טהור types of consumption probably occurred in a location comparable to Schmitt's Type V cult place. Whether or not they were performed at the decommissioned cult place is unclear, however, I believe that the number of participants involved in these village or city-wide gatherings would have necessitated ritual specialists, though no longer a formal local "priesthood."

inspection, purification, and blood handling gradually diminishing as the types of meat consumption became increasingly oriented within the household and detached from cultic and communal feasting. We can also observe that the participants in local meat consumption diminished from virtually all inhabitants of the שׁערים during the triennial tithe at one end of the spectrum, to only the גר and נכרי in the נבלה, or at the other end of the spectrum, only the נכרי in טמא consumption outside of Israel. We can also observe that ritual purity reflects a clear gradation from clean, to clean and unclean, to unclean. Beginning with the triennial tithe, all participants (including the גר) must have been made ritually pure in order to consume it. This changed with consumption of the blemished firstborn and טהור animal slaughter, which allowed the unclean and the clean to consume them (Deut 12:15, 22). It changed again with the consumption of the נבלה, טרפה, and טמא animals, all of which were consumed implicitly in an unclean state. I graded the triennial tithe first, the blemished firstborn second, and טהור animal consumption third because these were most likely to occur in a social, rather than domestic context, and could have qualified as social rituals with diminishing ritual significance from the triennial tithe downward. I graded the נבלה fourth because it would have occurred in a domestic context, perhaps (or perhaps not) as a ritual meal. I graded the טרפה fifth because it would have also occurred in a domestic context, but probably as a non-ritual.

8. Sound and Language[224]

Table 8: The Sounds of Local Meat Consumption	
Triennial Tithe	Rejoicing, Blood Pouring Statement, Meal Blessing, Triennial Tithe Oath
Blemished Firstborn	Rejoicing? Blood Pouring Statement, Meal Blessing
טהור Slaughter	Rejoicing? Blood Pouring Statement, Meal Blessing
Clean נבלה	Rejoicing? Meal Blessing?
טרפה Animals	Language unlikely
טמא Animals	Unspecified

Gerald Klingbeil has noted that ritual sound and language can be difficult to identify in biblical ritual because of the textual nature of the data.[225] Besides the joyful atmosphere which would have been accompanied by festal sounds and mirth (Deut 14:22-27), we can also infer that the pouring of blood (Deut 12:16, 24) would have probably been accompanied by a ritual statement/blessing.[226] Also, in 1 Sam 9:13 the meal could not begin until Samuel had blessed the sacrifice, which was a practice that may have been included in local meat consumption.[227] Besides these inferences, however, we can also identify a specific statement associated with the triennial tithe. The triennial tithe was accompanied by an oath attesting to its purity, wholeness, and acceptability. Evidence for the sounds associated with other types of local meat consumption is minimal, but it is possible to attempt a gradation model. I have graded the triennial tithe first because its oath statement distinguished it from other types of local meat consumption. We can infer that ritual statements associated with blood pouring would have been restricted to triennial tithe, blemished firstborn, and טהור animal slaughter, but would not have occurred with נבלה or

[224] Klingbeil, *Bridging the Gap*, 196–204.
[225] Klingbeil, *Bridging the Gap*, 196.
[226] Milgrom, *Ritual and Ethics*, 106.
[227] Klingbeil, *Bridging the Gap*, 200–3, notes that blessings and prayers would be a genuine part of the ritual process, though they may take abbreviated, formulaic, or free forms in the text.

טרפה slaughter. Based on this distinction, I have graded blemished firstborn second and טהור animal consumption third, though there is no apparent distinction in this ritual element (hence the dashed line). Finally, I have graded נבלה consumption fourth and טרפה consumption fifth because if a blessing was said before every social or domestic meal, this would have distinguished the נבלה consumption from טרפה consumption, which would not have been as likely to include a statement of blessing. Again, gradation of the sounds of local meat consumption is highly speculative, since only the triennial tithe explicitly included an oath.

9. The Ten Ritual Dimensions of Local Meat Consumption[228]

Besides the nine ritual elements that may be described in ritual texts, Klingbeil also identifies ten dimensions or functions of ritual, many that could be conveyed in the same text. Klingbeil refers to this as "ritual pragmatics," i.e., the attempt to describe what a ritual or sub rite intends to convey, and to locate the ritual or sub rite in its larger social context.[229] A ritual may perform one or more of the following ten functions: interactive, collective, traditionalizing innovation, communicative, symbolic, multimedia, performance, esthetic, strategic, and integrative.[230] I would suggest that nine of the ten are evident in Deuteronomy's depiction of local meat consumption (i.e., interactive, collective, traditionalizing innovation, communicative, symbolic, performance, esthetic, strategic, and integrative), though some are highlighted over others.

The interactive function of local meat consumption reflects and establishes the social limits between cultic and social and/or domestic practice, and between Israel and other

[228] Klingbeil, *Bridging the Gap*, 205–25.
[229] Klingbeil, *Bridging the Gap*, 206.
[230] Klingbeil, *Bridging the Gap*, 224–25. See chapter two for an elaboration on these functions.

nations.[231] This is most evident in the triennial tithe, which was a liminal ritual that bridged the cultic and social contexts; in נבלה consumption, which bridged Israelite and non-Israelite society; and in the distinction between טהור and טמא animal consumption (Deut 14:3-21), which separated Israelite meat consumption from foreign consumption. The collective function is reflected by the likelihood of communal involvement in triennial tithe, blemished firstborn, and טהור animal consumption, all of which reinforced communal bonds through a shared culinary experience.[232] The traditionalizing innovation function is evident in the innovation of the triennial tithe festival to accommodate the local *personae miserae* (Deut 14:28-29), in the accommodation of local meat consumption in general (12:15, 20-21), and perhaps also in the accommodation of giving נבלה to the גר.[233]

The communicative function is primarily implicit, relying upon the audience's awareness of the details related to slaughtering, bleeding, butchering, and consuming animals.[234] This implicit mode of communication is the reason why many details of the ritual elements had to be inferred from other evidence outside of local meat consumption texts. The symbolic function is primarily evident in the method of slaughter (זבח), the use of blood, and the inclusion of the *personae miserae*.[235] The performance function alerts and focuses the attention of the

[231] Klingbeil, *Bridging the Gap*, 209.
[232] Klingbeil, *Bridging the Gap*, 210.
[233] Klingbeil, *Bridging the Gap*, 211.
[234] Klingbeil, *Bridging the Gap*, 212–13.
[235] Klingbeil, *Bridging the Gap*, 214–16. The method of slaughter is symbolic for Israel's concern for humane slaughter, rather than conspicuous consumption. The use of blood is symbolic of Israel's understanding of the associations between blood, life, and purity. The inclusion of the *personae miserae*, most notably the גר, is symbolic of Deuteronomy's social ethic.

participants upon the availability of meat, which was a tangible expression of God's blessing resulting from covenant obedience.[236]

The esthetic function is not clearly conveyed, except perhaps in the expectation that at least some of the types of consumption (e.g., triennial tithe, blemished firstborn, and טהור animal) would parallel cultic consumption in the expression of joy (Deut 14:26) and the "pleasing aroma" of a festal meal (e.g., Exod 29:18; cf. Lev 3:5). The strategic function is evident in several ways.[237] Although many elements of local meat consumption were analogous to cultic consumption, they were also strategically distanced from it (e.g., in blood use). Local meat consumption could also be strategic in its timing, which moved from the triennial tithe's fixed temporal setting, to less-defined periods in which successive types of consumption might occur. This allowed local meat consumption to interact with the cultic calendar while also creating a more open-ended non-cultic calendar. This also helped the social structure to develop apart from the centralized cultic structure. Finally, the integrative function is evident at least in the inclusion of and focus upon the *personae miserae* in the triennial tithe, טהור and טמא humans in the consumption of טהור animals, and the גר in נבלה consumption.[238] The inclusion of the rural Levite as the ritual specialist responsible for overseeing and performing local meat consumption rites may also be inferred.

Although I have observed nine of the ten possible ritual dimensions in Deuteronomy's description of local meat consumption, only three stand out above the rest. The interactive

[236] Klingbeil, *Bridging the Gap*, 217–18. On the novelty of meat in the Israelite diet, see section three above. Deuteronomy extends the covenant obedience-based blessing of fecundity from the cultic sphere to the non-cultic sphere, so that every type of meal (whether cultic or non-cultic) is presented as a blessing from God (cf. Deut 12:7, 15; 14:24, 29; 15:4, 6, 10, 14, 18; 16:10, 15, 17; 26:15).

[237] Klingbeil, *Bridging the Gap*, 220–21.

[238] Klingbeil, *Bridging the Gap*, 221–25.

function's definition of social limits stands out because of the prevalence of Deuteronomy's social ethic, which would have required clear social boundaries in order to define the beneficiaries of that ethic. The collective function's emphasis on community-building also stands out because this was the actual role of the שלמים, which was the model for the triennial tithe, and which resembled blemished firstborn and טהור animal consumption.[239] Finally, the symbolic function stands out because of Deuteronomy's emphasis on זבח and blood usage as major factors which distinguished cultic meat consumption from local consumption.

10. Summary of Ritual Elements and Gradation of Local Meat Consumption

To summarize, meat consumption in ancient Israel would have been a relatively special event, set apart from meat-less meals, and would have merited classification as a ritual meal. I have observed five types of local meat consumption in Deuteronomy: the triennial tithe, blemished firstborn, טהור animal, נבלה, and טרפה, and a sixth type, טמא animal consumption, with which Deuteronomy was familiar, but which was expected to occur outside of Israel. Additionally, my analysis of the ritual elements and dimensions of these types of local meat consumption has suggested that not all types held equal ritual status. Rather, they functioned variously in social, domestic, and non-ritual contexts (see fig. 8).

[239] Cynthia Schafer-Elliott, "The Role of the Household in the Religious Feasting of Ancient Israel and Judah," in *Feasting in the Archaeology and Texts of the Bible and the Ancient Near East*, ed. Peter Altmann and Janling Fu (Winona Lake, IN: Eisenbrauns, 2014), 217, suggests that most feasting occurred in the home, despite textual requirements that they must occur at the cult site.

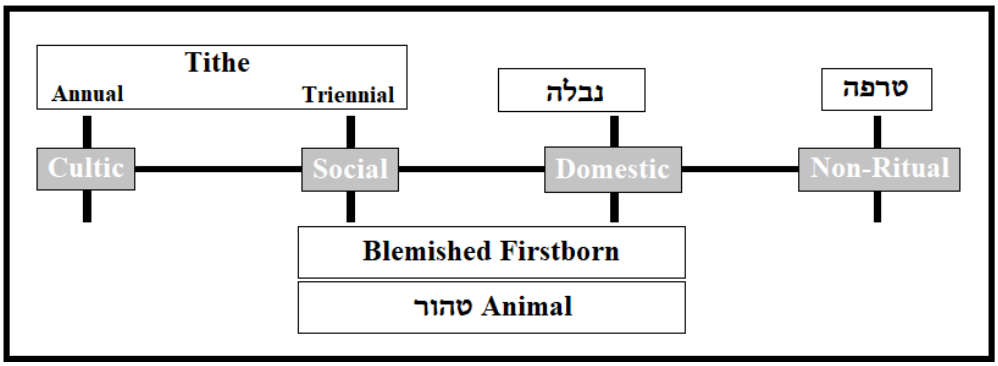

Fig. 8. The Ritual Cline of Local Meat Consumption.

The triennial tithe (Deut 14:28-29; 26:12-15) was the closest type of local meat consumption to the cultic sphere, operating at the boundary between the cultic and social spheres, though classified as a social ritual. I confidently graded the triennial tithe first for elements 1 (Trigger), 2 (Structure, Order, Sequence), 4 (Time), 7 (Participants and Roles), and 8 (Sound and Language). However, the triennial tithe in elements 3 (Space), 5 (Objects), and 6 (Actions) could also be more broadly graded with blemished firstborn and/or טהור animal consumption in some cases.[240] Overall, my analysis suggests that the triennial tithe should be graded first in the local meat consumption hierarchy.

Blemished firstborn consumption (Deut 15:19-23) was often graded second in status to the triennial tithe, potentially operating in the social and domestic spheres, and was therefore classified as a social or domestic ritual. I confidently graded blemished firstborn consumption second for elements 1 (Trigger) and 2 (Structure, Order, Sequence). However, blemished firstborn consumption in elements 3 (Space), 4 (Time), 5 (Objects), 6 (Actions), 7 (Participants and Roles), and 8 (Sound and Language) could also be more broadly graded with טהור animal consumption. Overall, my analysis suggests that blemished firstborn consumption should be

[240] There is overlap in the location of consumption in the שערים, the objects used, and actions performed.

graded second in the local meat consumption hierarchy, though it often overlaps with טהור animal consumption. The major factor which led to a higher gradation of blemished firstborn over טהור animals was the greater delicacy of the blemished firstborn's young meat.

Consumption of טהור animals (Deut 12:15-16, 20-25) was often graded third in status, potentially operating in the social and domestic spheres, and was therefore classified as a social or domestic ritual. I confidently graded טהור animal consumption third for elements 1 (Trigger) and 2 (Structure, Order, Sequence). However, טהור animal consumption in elements 3 (Space), 4 (Time), 5 (Objects), 6 (Actions), 7 (Participants and Roles), and 8 (Sound and Language) could also be more broadly graded with blemished firstborn.[241] Overall, my analysis suggests that טהור animal consumption should be graded third in the local meat consumption hierarchy, though it often overlaps with blemished firstborn consumption.

Consumption of נבלה (Deut 14:21) was often graded fourth in status, potentially operating in the social sphere, but more likely operating in the domestic spheres, and was therefore classified as a potentially social, but primarily domestic ritual. I confidently graded נבלה consumption fourth for elements 1 (Trigger), 3 (Space), 5 (Objects), 6 (Actions), 7 (Participants and Roles), and 8 (Sound and Language). However, נבלה consumption in elements 2 (Structure, Order, Sequence) and 4 (Time) could also be more broadly graded with טרפה.

[241] Blemished firstborn and טהור animal consumption overlap especially in the potential social or domestic contexts of consumption, potentially open-ended timing (besides consumption that was probably restricted to herd culling), objects used in ritual meals, most of the actions involved in consumption (except a possible difference in butchery skill), the same types of participants and roles in either the social or the domestic context, and the possibility of similar meal blessings.

Overall, my analysis suggests that נבלה consumption should be graded fourth in the local meat consumption hierarchy.

Consumption of טרפה (Exod 21:30) was often graded fifth in status, exclusively operating in the domestic sphere as a non-ritual. I confidently graded טרפה consumption fifth for elements 1 (Trigger), 3 (Space), 5 (Objects), 6 (Actions), 7 (Participants and Roles), and 8 (Sound and Language). However, טרפה consumption in elements 2 (Structure, Order, Sequence) and 4 (Time) could also be more broadly graded with נבלה.[242] Overall, my analysis suggests that טרפה consumption should be graded fifth in the local meat consumption hierarchy.

Finally, consumption of טמא animals (Deut 14:3, 7-8, 10, 12-19) was expected to occur outside of the land of Israel, and besides being catalogued as animals that were not valid for Israelite consumption, received no additional discussion with respect to their ritual elements. I have included טמא animal consumption in my analysis and graded it sixth in the overall local meat consumption hierarchy because it establishes a clear lower boundary for the gradation of meat consumption in ancient Israel.

[242] Consumption of נבלה and טרפה may have overlapped somewhat to the extent that neither entailed ritual blood handling and could have potentially occurred at any non-ritual time.

11. Jenson's Gradation of Cultic Meat Consumption

Table 9: Material/Social Gradation of Sacrifices[243]				
	To God	To priests	To people	Outside
עלה	All burnt (Lev 1:7-9, 12-13)	Skin (Lev 7:8)		
מנחה	Handful burnt (Lev 2:2; 6:8)	Remainder (Lev 2:3; 6:9-11; 7:9-10)		
חטאת (major)	Fat, etc. (Lev 4:8-10, 19)			Skin, flesh, head, legs, entrails, dung (Lev 4:11-12)
חטאת (minor)	Fat, etc. (Lev 4:26, 31, 35)	Flesh, skin (cf. m. Zeb. 12:3) (Lev 6:19, 22; Num 18:9-10)		Entrails, legs
אשם	Fat, etc. (Lev 7:3-5)	Flesh, skin? (Lev 5:13; 7:6)		Entrails, legs
שלמים	Fat, etc. (Lev 3:3-5, 9-11, 14-16; 7:30-31)	Breast and right thigh (Lev 7:32-34; Num 18:18)	Flesh (Lev 7:11-21)	Entrails, legs

Philip Jenson's analysis of cultic gradation was written along a different pattern than I have utilized above, but it is nevertheless helpful in demonstrating the gradation of cultic meat consumption. Focusing on the relationship between the recipients of the offerings and their social status, Jenson observes a pattern of gradation that starts with the עלה and proceeds down to the שלמים. He notes that the עלה was restricted to the highest status individual in Israelite society, i.e., God, to whom nearly all of the animal was directed (only the hide went to the priests). The scope of recipients was expanded slightly for the מנחה, חטאת, and אשם, which were distributed to God and the next-highest social group, the priests. With this expansion of scope, the distribution of animal parts was also status-based, with the fatty parts distributed to God and the flesh and skin distributed to the priests. Finally, the scope was expanded still further for the

[243] Based on the table in Jenson, *Graded Holiness*, 178–79.

שלמים, which was distributed to God, the priests and Levites, and the lay Israelites. The parts of the שלמים animal were distributed by status, with the fatty parts distributed to God, the choice meat distributed to the priests, and the remaining meat distributed to the lay Israelites. In short, as the gradation moved from top to bottom, it was based on a pattern of limited distribution to a high-status recipient, which expanded into broad distribution to high-, medium-, and low-status recipients.

B. Combined Gradation of Cultic and Local Meat Consumption

When we combine Jenson's gradation of cultic meat consumption with my gradation of local meat consumption in Deuteronomy, the following socio-cultic meat consumption gradation model is produced.[244]

Table 10: Combined Gradation of Cultic and Local Meat Consumption (Based on recipients)	
עלה	God (skin goes to priests) (Lev 1:7-9, 12-13; 7:8)
מנחה	God (handful), priests (remainder) (Lev 2:2; 6:8; 2:3; 6:9-11; 7:9-10)
חטאת (major)	God (fat) (Lev 4:8-10, 19; 4:11-12)
חטאת (minor)	God (fat), priests (flesh, skin) (Lev 4:26, 31, 35; 6:19, 22; Num 18:9-10)
אשם	God (fat), priests (flesh, skin?) (Lev 5:13; 7:3-5; 7:6)
שלמים	God (fat), priests (breast and right thigh), lay people (flesh) (Lev 3:3-5, 9-11, 14-16; 7:11-21, 30-31; Lev 7:32-34; Num 18:18)
Triennial Tithe	Levite, lay Israelites, *personae miserae* (Deut 14:28-29; 26:12-15)
Blemished Firstborn	Levite? lay Israelite, *personae miserae*? (Deut 12:15, 22)
טהור Slaughter	Levite? lay Israelite, *personae miserae*? (Deut 12:15, 22)

[244] Since the goal is not to fully re-assess Jenson's gradation of cultic slaughter according to Klingbeil's ritual elements, I have opted for a simple combined gradation model based on participants/recipients of cultic and local meat consumption. This would not be altered if the gradation models from other ritual elements were considered instead, as a glance at tables 1-8 demonstrates.

Clean נבלה	נכרי, גר (Deut 14:21)
טרפה Animals	Lay Israelites, dogs (Exod 21:30)
טמא Animals	Unspecified (Deut 14:2-20)

This perspective of Israelite graded meat consumption is significant. While the traditional distinction between sacred and secular has been a simple way of viewing Deuteronomy's conception of cultic centralization, I believe the picture is more complex. True, Deuteronomy creates a binary opposition of sacred:secular or central:local, but Deuteronomy does not stop there. When we consider the system as a whole, we see that whereas P has outlined the gradation of meat consumption within cultic boundaries, Deuteronomy has extended graded meat consumption from the cultic into the social and domestic contexts of Israel and ultimately into foreign lands. Further, graded cultic meat consumption is better realized by analogy with local meat consumption, with the two in binary opposition at the macro-level. A chief example of this is the inclusion of participants in cultic and local meat consumption. Whereas cultic gradation moves from restricted participants to an increasingly broad group, local gradation moves from a broad group to an increasingly restricted group. This reinforces the boundary between Israel and the nations and opens the boundaries between the sacred and the secular, suggesting that the dichotomy between sacred and secular is not as clear as has been thought. Rather, a full view of graded meat consumption presents a fluid and nearly indistinguishable transition between cult and society as the cultic שלמים offering morphed into its social variant, the triennial tithe.

Although Deuteronomy was certainly concerned with highlighting the differences between cultic and local meat consumption, my analysis suggests that the methods and processes involved in consuming animals, whether in a cultic, social, or domestic context, were mostly similar at all levels of the socio-cultic hierarchy and seem to have been associated with cultic,

social, or domestic rituals. This interpretation lends further support to the role of the rural Levite as an overseer and/or participant in at least some types of local meat consumption, namely, the types associated with the social context, since he had skill and experience in cultic meat consumption and would have been able to adapt the same methods to the similar processes of local meat consumption.[245]

V. Summary and Conclusion

To restate the opening premise of this investigation, the purpose of ritual is to impose order and control on situations that are otherwise disordered and uncontrolled.[246] The goal of the present chapter has been to show that local meat consumption in ancient Israel may have been guided by social and/or domestic ritual practices which set them apart from cultic ritual in some ways, and related them by analogy in other ways. In light of my analysis of the ritual elements of local slaughter in section four, I believe that the degree of ritual control in the שׁערים was only slightly less than that of the cultic sphere, especially for triennial tithe, blemished firstborn, and טהור animal consumption in a social context. Thus, just as cultic meat consumption was overseen and performed by priests and Levites at the central sanctuary, we can infer that several components of local meat consumption were overseen and performed by the resident ritual specialists, namely, the rural Levites. Specifically, I propose that the rural Levites were responsible for performing and/or overseeing the social ritual sequence of local meat consumption, including זבח (cutting the throat and collecting the blood), butchering the carcass,

[245] I believe it is also plausible that the rural Levite performed or oversaw any slaughter that occurred in the domestic context, since the concern for human זבח would have also been operative in these contexts and meat consumption was rare enough that lay Israelites were not as skilled in performing humane slaughter.

[246] Douglas, *Purity and Danger*, 5; Bell, *Ritual Theory*, 179.

pouring the blood, and cooking the meat.[247] The assertion that the rural Levites performed this role in social meat consumption rituals is supported by the method, ritual status and function, ritual timing, and the gradation of local meat consumption by analogy with cultic consumption. In the remainder of this chapter I will combine summaries of each section with suggestions for how or why the rural Levite may have been responsible for overseeing and/or performing roles in local meat consumption.

The involvement of Levites in the social ritual sequence of local meat consumption would have been based on their prior analogous experience with the ritual sequence of cultic meat consumption. When the Levites came and served at the central sanctuary (Deut 18:6-8), they gained practical experience as ritual specialists, which they were able to bring back with them to the שׁערים, where they functioned as ritual specialists. The role of the Levites at the central sanctuary, however, was not simply to observe the ritual sequence, but to help perform in it. Milgrom identifies R. Ibn Ezra, as the first to observe that the עבדה rendered by the Levites in Num 16:9 and 18:5 was to assist the lay Israelites in the preparation of their sacrifices. Milgrom states that after an Israelite passed through a Levitical watch post, "[i]t is only natural to expect that his Levitic 'escort' will also provide him assistance with the non-cultic preparatory acts, e.g., slaughtering, flaying, washing, which normally are performed by the layman."[248] What Milgrom identifies as "assistance," I refer to as "ritual oversight." The purpose of the Levite escorting and "assisting" the lay Israelite was to provide משׁמרת, not only from spatial trespass, but also (and

[247] Note the similar function of Ugarit's *ṣitqānu* priest, mentioned in chapter one (cf. Pardee, *Ritual and Cult*, 119–21).

[248] Milgrom, *Studies*, 60; cf. Lev 1:5, 6, 9. Interestingly, if slaughter was performed by people who were deemed less capable (i.e., "the deaf-mute, an imbecile, and a minor;" cf. Neusner, *Babylonian Talmud, 20:379*), the process was to be overseen by a more skilled layperson (b. Ḥul. 6:3). Although this does not require Levitical oversight, it demonstrates the importance of oversight to ensure methodological precision and ritual efficacy.

more importantly) from ritual methodological trespass. In other words, the עבדה in Num 16:9 and 18:5 is ritual specialization. Milgrom avers that the post-exilic texts, e.g., Ezekiel and Chronicles, developed the notions that the act of slaughter should be transferred from laymen to the Levites (Ezek 44:11; 46:24) and that the Levites were capable of slaughtering and skinning animals (2 Chron 29:34; 30:17; 35:11), based upon an established conception of Levitical עבדה to include ritual specialization and oversight (Num 16:9; 18:5). Additionally, we see that the Levites brought the blood to the priests (2 Chron 30:16; 35:11), suggesting that they were part of the שחט process that involved cutting the animal's throat *and* collecting its blood.

When we add the observations from section one above that local slaughter was methodologically analogous to cultic slaughter in Deuteronomy, i.e., by שׁחט, and that its sequence was also analogous to cultic slaughter, the role of the rural Levites becomes clearer. Not only was there a means for the rural Levites to observe and perform cultic animal slaughter (Deut 18:6-8), but the presence of the rural Levites in the שׁערים formed a bridge between the cultic and local spheres, which culminated in the performance of local slaughter on the same pattern as cultic slaughter. Admittedly, the layman could have–and at times probably did–perform local slaughter, as Milgrom states:

> [The rabbis] insist that he who would perform the slaughtering, though not a priest, shall act as a priest. He shall recite an appropriate blessing, thus dedicating his slaughter to God. Moreover, by virtue of his training and piety, his soul shall never be torpefied by his

incessant butchery but kept ever sensitive to the magnitude of the divine concession in allowing him to bring death to living things.[249]

However, Deuteronomy's placement of Levites in the שׁערים suggests that prior to the rabbinic period, or at least within Deuteronomy's conception of local slaughter, the rural Levites were the most qualified to oversee and/or perform the ritual sequence according to the standards quoted above. If "incessant butchery" was truly a concern, and humane slaughter was preferred, it ought to have been performed by the rural Levite, who was as skilled in the method of שׁחט as one could be. Besides the probability that the method of local slaughter necessitated the involvement of the rural Levite, the Levite's involvement as a ritual specialist was also necessitated by the ritual status and function of local meat consumption.

Although the phrase "pour it on the ground like water" (Deut 12:16, 24; 15:23) referred to the means of blood disposal, analysis of the phrase suggests that local blood pouring may have been a social ritual that paralleled the action of cultic blood disposal, i.e., pouring blood, while also contrasting the location of local pouring, i.e., on the ground, with the location of cultic pouring, i.e., into the altar's gutters. Based on the Mishnah's gradation of blood and its classification of mixed blood as "like water," the use of כמים, "like water," in Deut 12:16 and 24 may suggest that both types of blood occupied a lower status and function than the other grades of cultic blood. Namely, the status and function of mixed cultic blood and local slaughter blood was equivalent to water. In the context of local meat consumption, the pouring of blood on the ground may have purified the land and/or stimulated agricultural productivity. The significance of this observation is that it elevates the status of blood disposal to a social ritual act, rather than

[249] Milgrom, *Ritual and Ethics*, 106.

a meaningless, non-ritual disposal. Additionally, this observation shows that the method of slaughter was not the only portion of the social ritual sequence that was based on a cultic analog. Rather, the application of blood was part of the ritual sequence of local and cultic slaughter, and the symbolism of blood being poured "on the ground like water" may have been derived from a cultic analog. This elevated view of the status and function of local slaughter as a social ritual demonstrates the need for a comparably skilled ritual specialist to oversee and/or perform it; and again, that specialist was probably the rural Levite. Besides the rural Levite's necessary involvement in local slaughter due to its method, status, and function, the Levite's involvement as a ritual specialist was also necessitated by the timing and scope of local meat consumption.

Whereas cultic meat consumption occurred during three fixed annual festivals (Deut 16:16), the use of אוה in Deuteronomy 12 suggests that local meat consumption could happen at any time. Likewise, the catalogue of טהור animals in Deut 14:3-20 suggests that the selection of animals that could be consumed during local consumption would have been more diverse than the animals that were approved for cultic consumption. However, my analysis in section three has shown that most local meat consumption probably occurred during the months of November to February, when the herds were culled, and that the scope of animal species consumed during local consumption mostly mirrored the species consumed during cultic consumption (i.e., caprines and bovines). The timing of local consumption did not necessitate the involvement of the rural Levite, except perhaps during the triennial tithe, which occurred in ritually prescribed time, or the slaughter of blemished firstborn, which may have been slaughtered locally around the time of Shavuot (or perhaps prior to it).[250] Rather, the timing of most local meat consumption

[250] The rural Levite would have also been needed for any non-cultic slaughter associated with local oaths and the communal meals included in them.

(i.e., herd culling) is significant because it occurs in the cultic "off season." Whereas I have argued in chapter three that the command not to עזב the rural Levite may have been pragmatically motivated by a need for their service at the cult during the busy חגים, the lack of any cultic festivals during the time of herd culling would have meant that the rural Levite was readily available and undistracted by cultic obligations. The consistency of animal species slaughtered in cultic and local contexts may not have necessitated the presence of a ritual specialist, but it certainly would have benefitted from one. With an intimate knowledge of the anatomy and proper butchering pattern of cultic animals, the rural Levite would have been able to prepare animal carcasses for local consumption with greater efficiency than the layperson. Additionally, the likelihood that the animal would have been butchered and apportioned according to cultic standards would have necessitated the oversight of the rural Levite. Such standards would have governed at least the status-based distribution of meat, and probably also the avoidance of using the sciatic nerve in the cooking process.[251]

Finally, my gradation of local meat consumption in section four helps to complete the socio-cultic gradation of meat consumption in ancient Israel. This elucidates in great detail the analogous relationship between cultic, social, and domestic rituals pertaining to meat consumption, and demonstrates that some types of local meat consumption had greater ritual significance and connection to cultic consumption than other types. Thus, whereas we should expect the rural Levite to have overseen and/or performed roles associated with social-level types of local consumption (i.e., the triennial tithe, blemished firstborn, and טהור animals), based on their social ritual status, his involvement in domestic-level types of local consumption (i.e.,

[251] B. Ḥullin 7.

clean נבלה and טרפה) is less likely, based on their domestic or non-ritual status. Additionally, forms of local meat consumption that tended to be less social and more domestic, and whose ritual efficacy therefore had a lesser impact on the community, would have probably been free from Levitical oversight.[252] We should expect local meat consumption rites to be performed on the same model across the gradation spectrum, but within the household context they could be performed by household members with adequate efficacy, reinforced by the fear that deviating substantially (and/or deliberately) from the ritual model could label one an idolater (Deuteronomy 13).[253] I believe that this may explain why the rural Levite is never explicitly described by Deuteronomy as the one who administered local meat consumption.

Just as Deuteronomy accommodates a day when an Israelite's אוה for meat would be truly open-ended, but writes in a socio-historical setting when אוה would have been heavily restricted, so also Deuteronomy accommodates a broad spectrum of different conditions within which local meat consumption may have occurred. Rather than specifying "the rural Levite will administer this type of local meat consumption, but not this type," Deuteronomy allows for flexibility. Some towns may have had greater specialization in slaughter than others (especially during the Iron IIB-C period of economic specialization), so that reliance upon a rural Levite for ritual performance and/or oversight may have varied from town to town.[254] Likewise, whereas rural Levites may have been needed initially to demonstrate social meat consumption rituals to local laypersons, over time and in certain locations the skill of local laypersons in these social

[252] Schafer-Elliott, "Role of the Household," 116–21.

[253] That deviation from the ritual model could result in a person or city being labeled an idolater is implied by the social boundary that is established in local meat consumption between Israelites, גרים, and נכרי on the basis of food rites (Deut 14:3-21). This is not merely an ethnographic marker, but the observance or lack of observance of the blood rite affirms that it is also a theological marker (Deut 12:16, 24; 15:23).

[254] Sapir-Hen, et al, "Animal Economy."

rituals may have improved and the role of the rural Levites may have shifted more into oversight than performance. By establishing a basis for rural Levitical training in cultic meat consumption, by providing a means of transmission for cultic meat consumption methodology to the שׁערים, and by providing the rural Levites as ritual specialists in the שׁערים to ensure that local meat consumption was performed analogically to cultic consumption (but not *exactly* like it), Deuteronomy was able to balance cultic mandates with social reality. So, although the rural Levite is never explicitly identified as the ritual specialist responsible for local meat consumption, we have good reasons to suppose that the extension of his משׁמרת from the cultic to the social sphere not only included rural scribal responsibilities, but also included the performance and/or oversight of the ritual sequence of local meat consumption in the שׁערים.

Chapter 6: Summary and Implications

I began this study as an investigation into the roles of the rural Levites in Deuteronomy. In the first chapter I reviewed the identity and roles of the Levites in the Hebrew Bible before and after cult centralization. I discussed how the rural Levites originated as local high place priests, but were disenfranchised from these positions and impoverished in the wake of cult centralization. I also reviewed the history of interpretation of Levites in Deuteronomy, especially in relation to how the status of the Levites in Deuteronomy related to their status as second-tier cult personnel. Although the dominant position has been that the Levites were impoverished by centralization (what I refer to as the Impoverished Rural Levite Hypothesis), I proposed an additional perspective from which we might view Deuteronomy's rural Levites. Namely, that the rural Levites may have been responsible for performing several non-cultic roles and social level rituals in the local towns. The plausibility of ongoing Levitical service in the towns was supported by their ongoing cultic practice at the sanctuary, which could influence their performance of analogous roles in the towns, and their overarching function as socio-cultic intermediaries and ritual specialists (comparable to Ugarit's *Ṣitqānu* priest and Egypt's *wab* and lector priests), who were responsible for עבדה and משׁמרת across the socio-cultic spectrum.

In the second chapter, I discussed the structuralist socio-anthropological method that would guide my research. I observed that the socio-anthropological method, exemplified by the ancient Near Eastern hierarchical worldview, informs how we should view the social structure underlying Deuteronomy, i.e., complex groupings of analogically related binary oppositions, which in ancient Israel were arranged in a three tier universe. Because the analogical relationship between different levels of society, e.g., central and local or sacred and profane, was mediated by cultic, social, domestic, and non-ritual activities, I sought to define and clarify the features, goals,

and means of ritual in ancient society. Following Platvoet and Klingbeil I defined ritual as a special behavior that is distinguished from ordinary behavior in space, time, occasion, and/or message. I also defined non-ritual activities as those which were ordinary, and social and domestic ritual activities as those which occur in social or domestic contexts and tend to be analogically associated with official cultic rituals, albeit less special by comparison. I also outlined Klingbeil's nine ritual elements and ten ritual dimensions, which would be used in chapter five. I concluded the chapter with a discussion of several components of ritual specialization (observed by Klingbeil and Bell), and surveyed the elders, judges, שׁוטרים, and Israelite *patres familias* to determine their suitability as potential local ritual specialists, and proposed that the rural Levite was the most likely candidate to function in this capacity. I devoted the remaining chapters to considering several roles that the Levite *might* have performed as a local social and/or domestic ritual specialist.

In the third chapter, I suggested that Deuteronomy conceived of the rural Levites as socio-cultic firstborn substitutes and performers of משׁמרת and עבדה, in parallel with their roles in P. The function of rural Levites as firstborn substitutes was suggested based on: 1) the implied need for firstborn substitution in Deuteronomy, though no substitution is explicitly mentioned, 2) the allusion of the Levitical Entitlement Phrase (Deut 10:9) to Numbers 18, which relies upon Numbers 3 (Levitical firstborn substitution as debt-slaves) as the basis for Levitical tithe entitlement, and 3) the suggestion that עזב should be translated as "leave behind" instead of "forsake" in Deut 12:19 and 14:27, based on the need for Levites to be present at the central sanctuary for annual human firstborn substitution rituals, and the annual festivals. In the second half of the chapter, I suggested that the Levites functioned as socio-cultic intermediaries in the

roles of משׁמרת and עבדה. Although these roles originated in the cultic sphere, the rural Levites extended them into the social sphere as non-cultic משׁמרת and עבדה, by analogy with their cultic counterparts.

In the fourth chapter, I suggested that non-cultic Levitical משׁמרת and עבדה in Deuteronomy were manifest in rural scribal responsibilities. As administrators of tithed goods, the rural Levite may have been responsible for collecting and distributing the local triennial tithe (Deut 14:28-29) and exchanging annual tithes for silver (14:24-25). The transition of the Arad temple to a storehouse may function as an ideal test-case for how local high places (and the roles of the rural Levites who served in them) could have transitioned after centralization to function as local tithe storehouses. An additional scribal role that may have been held by rural Levites was the role of שׁוטרים, whose pairing with local judges in Deut 16:18 paralleled the pairing of central sanctuary judges and Levitical priests (Deut 17:8-12; 19:17; cf. 2 Chron 19:8-11). The שׁוטרים may have been a Levitical sub-class that performed scribal and ritual elements employed in judicial contexts, e.g., administering ritual ordeals and/or judicial oaths. Rural Levites may have also served as scribes in witnessing, recording, and/or administering locally initiated judicial, commercial, and/or religious oaths and vows. Last, I synthesized the scribal roles of tithe and vow administration to suggest that the rural Levites may have administered the triennial tithe fulfillment oath (Deut 26:12-15), and/or the initiation of a local corporate rain vow during the triennial tithe.

In the fifth chapter, I intended to show that local meat consumption in ancient Israel may have been guided by social and/or domestic ritual practices which set them apart from cultic ritual in some ways, and related them by analogy in other ways. I examined key elements of

local meat consumption, including: the method and sequence of שׁחט/זבח as cutting the throat and collecting the blood, the status and function of non-cultic slaughter blood as "like water," and limitations in the timing of אוה-based local meat consumption primarily to times of herd culling, and limitations in the scope of consumption to primarily caprine animals. These analyses have suggested that local meat consumption was special, although non-cultic, and may have held the status of social or domestic ritual. This was supported further by my gradation of local meat consumption, which helped to complete the socio-cultic gradation of meat consumption in ancient Israel. My analysis attempted to elucidate the analogous relationship between cultic, social, and domestic rituals pertaining to meat consumption, and to demonstrate that some types of local meat consumption had greater ritual significance and connection to cultic consumption than other types. Thus, whereas we should expect the rural Levite to have overseen and/or performed roles associated with social-level types of local consumption (i.e., the triennial tithe, blemished firstborn, and טהור animals), based on their social ritual status, his involvement in domestic-level types of local consumption (i.e., clean נבלה and טרפה) is less likely, based on their domestic or non-ritual status. Additionally, forms of local meat consumption that tended to be less social and more domestic, and whose ritual efficacy therefore had a lesser impact on the community, would have probably been free from Levitical oversight. This investigation leads to the following concluding observations.

All Levitical duties, whether cultic or non-cultic, were regarded as משׁמרת or עבדה. While centralization in Deuteronomy has often been recognized for what it removed from the local towns and brought to the central sanctuary, we must also recognize how some of the personnel, rituals, and roles of the central sanctuary were extended into the local towns. In short,

by extending the roles of Levitical משמרת and עבדה from the cult into the local towns in scribal administration and non-cultic slaughter, and by extending the Levites from the sanctuary into the local towns, Deuteronomy extended, innovated, and re-contextualized the משמרת and עבדה of the Levites beyond the cultic sphere into the sanctified/semi-sacred territory of Israel's שערים, which had been made holy by virtue of the Israelites' collective agreement to covenant obedience.

Although their non-cultic roles are never explicitly defined by Deuteronomy, in the preceding chapters I have investigated how rural Levitical משמרת and עבדה post-centralization may have plausibly extended to include scribal administration and local meat consumption. Due to their ongoing role as firstborn substitutes, and their experience with roles performed at the central sanctuary, especially in scribal administration and slaughter rituals, I believe the rural Levite is envisioned by Deuteronomy as fulfilling analogous scribal- and meat consumption-based roles in the שערים. As scribes, the rural Levites may have overseen the collection and distribution of the triennial tithe to the local *personae miserae*, administered the local exchange of tithes for silver, functioned as the counterparts to local judges (as שוטרים), and/or witnessed, recorded, or administered locally initiated vows and/or oaths. As performers and/or overseers of local meat consumption, the rural Levites may have performed social ritual animal slaughter, especially for the triennial tithe, blemished firstborn, and טהור animal consumption, though they may not have been needed for blemished firstborn or טהור slaughter that occurred in a domestic

ritual context, or for lesser grades of local consumption, i.e., נבלה or טרפה. Thus, the roles of rural Levites in Deuteronomy have several implications.

First, although the Impoverished Rural Levite Hypothesis may be a valid interpretation of the historical development of the rural Levites, I have attempted to provide another perspective of the rural Levites, not as unemployed and impoverished, but continuing to function in non-cultic analogs to their cultic roles. They were disenfranchised from performing cultic rituals in the שׁערים, but this did not preclude them from performing and/or overseeing analogous social or domestic rituals and other tasks. Taking meat consumption as an example, we observe that the gradations of cultic meat consumption blended into gradations of local meat consumption.[1] Taking scribal activity as an example, we observe that the recording and storage of tithed goods, or the recording and witnessing of oaths and vows at the central sanctuary was also manifest in the non-cultic context of the locally stored triennial tithe, annual tithes exchanged for silver, and locally initiated oaths and vows. In short, moving cultic roles to a central sanctuary did not leave a vacuum in the שׁערים, but necessitated that the originally cultic roles be replaced with non-cultic analogs. The former experience of rural Levites as high place priests, and their ongoing occasional experience at the central sanctuary (Deut 18:1-8) qualified the Levites to continue functioning in these non-cultic, social level roles as extensions of their משׁמרת and עבדה.

Second, my research has implications for the debated Levitical authorship of Deuteronomy. Von Rad proposed that the Levites may have been responsible for the authorship

[1] The שׁלמים offerings of the central sanctuary were nearly identical to the triennial tithe, except in location. Despite occurring in a social context, the triennial tithe was a social ritual analog of the cultic ritual שׁלמים. This blurred the transition between cultic and local meat consumption.

of Deuteronomy, and even the centralization mandate, stating "the actual spokesmen of this movement were the country Levites, whom Deuteronomy presumes to be living here and there in the country towns. At any rate, the authors of Deuteronomy are to be sought amongst those Levites."[2] Anticipating the possible objection that the Levites would not have advocated their own disenfranchisement, von Rad adds that the centralization mandate was a "late and final adaptation of many layers of material."[3] Despite von Rad's concession, Weinfeld critiqued him based on the Impoverished Rural Levite Hypothesis, asserting that the Levites could not have authored Deuteronomy since *inter alia* they were the ones who were deprived of priestly roles through cult centralization.[4] In light of my investigation into the roles of the rural Levites, we have further reason to question Weinfeld's objection to Levitical authorship of Deuteronomy. If the Levites were not impoverished by cult centralization, but merely adapted their cultic משמרת and עבדה to social and/or domestic contexts, it would have been entirely reasonable for the Levites to have authored the laws that allowed them to make this transition. This does not resolve the debated Levitical authorship of Deuteronomy. However, if my thesis about the ongoing roles of the rural Levites is tenable, then it would seem to undermine the logic of Weinfeld and Von Rad that the rural Levites could not have written the book.

Third, regarding the disputed status of priests and Levites in Deut 18:1-8, my thesis does not resolve the debate. However, my thesis is also unaffected by it. Although I interpret the priests in Deuteronomy as those who performed priestly roles, and the Levites as those who performed non-priestly roles, following the cultic structure of P, my thesis is enhanced if one favors the Wellhausian view that Levites in Deuteronomy could perform priestly *and* non-

[2] Von Rad, *Studies in Deuteronomy*, 66.
[3] Von von Rad, *Studies in Deuteronomy*, 67.
[4] Weinfeld, *Deuteronomic School*, 55.

priestly roles. If the Levites could only perform non-priestly roles in the cultic sphere, their performance in the שׁערים of non-cultic analogs to priestly roles (e.g., pouring slaughter blood) would have been based on observational, rather than experiential knowledge. Although even with this level of experience they still would have been the most qualified members of local society to function as ritual specialists, it would have been even better if they also had direct experience in priestly roles. If the Levites could perform priestly *and* non-priestly roles in the cultic sphere, their performance in the שׁערים of non-cultic analogs to priestly roles (e.g., pouring slaughter blood) would have been based on experiential knowledge, making them even more qualified for the task. In either case, whether Levites performed priestly roles in the cultic sphere, or not, they were more qualified as ritual specialists than any other occupants of the שׁערים.

Fourth, on the dating of Deuteronomy, my thesis is likewise marginally related. Although I interpret Deuteronomy's legal core as a pre-exilic composition associated with the cultic reforms of Hezekiah and/or Josiah, this view does not necessarily impact Deuteronomy's presentation of the rural Levites. In post-exilic texts (e.g., Chronicles, Ezra, and Nehemiah) Levitical משׁמרת and עבדה is significantly expanded from what we observe in P, including non-cultic roles (e.g., rural tithe collection; cf. Neh 10:37). I believe Deuteronomy's presentation of the Levites was the impetus for expanding Levitical cultic משׁמרת and עבדה into the social sphere, which Chronicles, Ezra, and Nehemiah expanded even further. However, if one views Deuteronomy as a post-exilic contemporary with these other texts, my thesis remains largely intact. Similarly, if one views Deuteronomy as a post-exilic utopian (read "fictional") presentation of a bygone era, it has little impact on my thesis about the rural Levites.

Some of my discussion connects to historical contexts, e.g., Arad, or Hezekian and Josianic cult centralization, but my assertions about the rural Levites could be just as valid in a post-exilic context. My approach has been to observe how Deuteronomy views the rural Levites from a mostly synchronic perspective. Although I favor placing Deuteronomy in an actual pre-exilic historical context (i.e., in connection to Hezekiah and/or Josiah's cultic reforms), my research has focused on the identity and function of Deuteronomy's rural Levites, especially after centralization. Whether Deuteronomy's vision for the rural Levites was a utopian fantasy or a historical reality is mostly unconnected to my thesis. Although I believe my thesis fits better with historical reality, it does not preclude a utopian interpretation.

Finally, I must acknowledge the limitations of my research and room for further development. One limitation is that Deuteronomy never assigns the roles of scribal administration or local meat consumption to the rural Levite. Rather, as with many of its descriptions, Deuteronomy assumes that the reader will know who was responsible for these tasks, and therefore leaves its description ambiguous. The theoretical nature of my research therefore necessitates that it be presented as an investigation, rather than a demonstration of literary or historical fact. However, when we understand the socio-cultic structure of Deuteronomy's Israel, the roles that were explicitly or implicitly performed in Israelite society, the possible functionaries of those roles, the roles of Levites outside of Deuteronomy, and non-Israelite priestly ritual specialists (e.g., Egyptian lector priests), I believe it is plausible that Deuteronomy and its audience understood the rural Levites as ritual specialists who were responsible for scribal administration and meat consumption in the שׁערים, as extensions of their משׁמרת and עבדה, and based on their experience as ritual specialists at the central sanctuary.

Bibliography

Abba, Raymond. “Priests and Levites in Deuteronomy.” *VT* 27 (1977): 257–67.

———. “Priests and Levites in Ezekiel.” *VT* 28 (1978): 1–9.

Abusch, Tzvi. “Blood in Israel and Mesopotamia.” Pages 675–84 in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov*. Edited by Shalom Paul. VTSup 94. Leiden: Brill, 2003.

Ackroyd, P. “יד.” Pages 393–426 in *TDOT*. Edited by G. Johannes Botterweck Ringgren, Helmer and Heinz-Josef Fabry. Grand Rapids: Eerdmans, 1974.

Aharoni, Yohanan. *Arad Inscriptions*. Jerusalem: Israel Exploration Society, 1981.

———. “Arad: Its Inscriptions and Temple.” *BA* 31 (1968): 2–32.

Altmann, Peter. *Festive Meals in Ancient Israel: Deuteronomy’s Identity Politics in Their Ancient Near Eastern Context*. Berlin: De Gruyter, 2011.

———. “What Do the ‘Levites in Your Gates’ Have to Do with the ‘Levitical Priests’?: An Attempt at European-North American Dialogue on the Levites in the Deuteronomic Law Corpus.” Pages 135–54 in *Levites and Priests in Biblical History and Tradition*. Edited by Mark Leuchter. Ancient Israel and Its Literature 9. Atlanta: SBL, 2011.

Amiet, Pierre. *Art of the Ancient Near East*. New York: H. N. Abrams, 1980.

Arbel, Vita Daphna, Paul C. Burns, J. R. C. Cousland, Richard Menkis, and Dietmar Neufeld, eds. *Not Sparing The Child: Human Sacrifice in The Ancient World And Beyond: Studies in Honor of Professor Paul G. Mosca*. New York: Bloomsbury, 2015.

Arnold, Bill T. “Deuteronomy 12 and the Law of the Central Sanctuary Noch Einmal.” *VT* 64 (2014): 236–48.

———. “Israelite Worship as Envisioned and Prescribed in Deuteronomy 12.” *ZABR* 22 (2016): 161–75.

———. “Number Switching in Deuteronomy 12-26 and the Quest for Urdeuteronomium.” *ZABR* 23 (2017): 163–80.

Ashley, Timothy. *The Book of Numbers*. NICOT. Grand Rapids: Eerdmans, 2009.

Awabdy, Mark. *Immigrants and Innovative Law: Deuteronomy’s Theological and Social Vision for the* גר. FAT 2 67. Tübingen: Mohr Siebeck, 2014.

Bailey, Lloyd. *Leviticus-Numbers*. 3. Macon, GA: Smyth & Helwys, 2005.

Bell, Catherine M. *Ritual Theory, Ritual Practice*. New York: Oxford University Press, 1992.

Berlinerblau, Jacques. *The Vow and the “Popular Religious Groups” of Ancient Israel: A Philological and Sociological Inquiry*. JSOTSup 210. Sheffield: Sheffield Academic Press, 1996.

Biddle, Mark E. *Deuteronomy*. SHBC. Macon, Ga: Smyth & Helwys Pub, 2003.

Black, Jeremy A., and Anthony Green. *Gods, Demons, and Symbols of Ancient Mesopotamia: An Illustrated Dictionary*. Austin: University of Texas Press, 1992.

Block, Daniel. *The Gods of the Nations: Studies in Ancient Near Eastern National Theology*. 2nd ed. ETS Studies. Nottingham: Apollos, 2000.

Boda, Mark J. *The Book of Zechariah*. NICOT. Grand Rapids: Eerdmans, 2016.

Boer, Roland. *The Sacred Economy of Ancient Israel*. LAI. Louisville, KY: Westminster John Knox, 2015.

Borowski, Oded. *Agriculture in Iron Age Israel*. Winona Lake, IN: Eisenbrauns, 2009.

———. *Daily Life in Biblical Times*. Atlanta: SBL, 2003.

Brand, Itzhack. “Following the Path of the Water Libation.” *Rev. Rabbin. Jud.* 15 (2012): 43–60.

Braulik, Georg. *The Theology of Deuteronomy: Collected Essays of Georg Braulik*. BIBAL 2. Richland Hills, TX: BIBAL, 1994.

Broyde, Michael, and Steven Weiner. "A Mathematical Analysis of the Division of the Tribes and the Role of the Levites on Grizim and Aval in Deuteronomy 27." *Tradition* 27 (1992): 48–57.

Brueggemann, Walter. *Deuteronomy*. AOTC. Nashville, TN: Abingdon, 2001.

———. "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran." *JAAR* 48 (1980): 455–56.

Budd, P. J. "Priestly Instruction in Pre-Exilic Israel." *VT* 23 (1973): 1–14.

Burnett, Julianne. "Was Moses Perceived as a Magician? A Socio-Historical Exploration of Moses' Wonder-Working in the Narratives of the Pentateuch within the Context of Ancient Egyptian and Israelite Magic." PhD Diss, University of Manchester, Forthcoming.

Burton, Margie. "Biomolecules, Bedouin, and the Bible: Reconstructing Ancient Foodways in Israel's Northern Negev." Pages 215–39 in *Milk and Honey: Essays on Ancient Israel and the Bible in Appreciation of the Judaic Studies Program at the University of California, San Diego*. Edited by Sarah Malena, David Miano, and University of California, San Diego. Winona Lake, IN: Eisenbrauns, 2007.

Carter, Charles. "Opening Windows onto Biblical Worlds: Applying the Social Sciences to Hebrew Scripture." *The Face of Old Testament Studies: A Survey of Contemporary Approaches*. Edited by David W Baker and Bill T Arnold. Grand Rapids: Baker Academic, 2004.

Cartledge, Tony. *Vows in the Hebrew Bible and the Ancient Near East*. JSOT Sup 147. Sheffield: Sheffield Academic Press, 1992.

Chirichigno, Gregory. *Debt-Slavery in Israel and The Ancient Near East*. JSOT Sup 147. Sheffield: Sheffield Academic, 1992.

Christensen, Duane L. *Deuteronomy 1:1-21:9*. WBC 6a. Waco, TX: Word, 2001.

Christensen, Duane L. *Deuteronomy 21:10-34:12*. WBC 6b. Waco, TX: Word, 2002.

Clifford, Richard J. *The Cosmic Mountain in Canaan and the Old Testament*. Cambridge, MA: Harvard University Press, 1972.

———. "The Tent of El and the Israelite Tent of Meeting." *CBQ* 33 (1971): 221–27.

Cody, Aelred. *A History of the Old Testament Priesthood*. AnBib 35. Rome: Pontifical Biblical Institute, 1969.

Conklin, Blane. *Oath Formulas in Biblical Hebrew*. LSAWS 5. Winona Lake: Eisenbrauns, 2011.

Cook, John A. *Time and the Biblical Hebrew Verb: The Expression of Tense, Aspect, and Modality in Biblical Hebrew*. Linguistic Studies in Ancient West Semitic 7. Winona Lake, IN: Eisenbrauns, 2012.

Craigie, Peter C., ed. *The Book of Deuteronomy*. The New International Commentary on the Old Testament. Grand Rapids: Eerdmans, 1976.

Dearman, J. Andrew. "My Servants the Scribes: Composition and Context in Jeremiah 36." *JBL* 109 (1990): 403–21.

Douglas, Mary. "Deciphering a Meal." Pages 249–75 in *Implicit Meanings: Essays in Anthropology*. London: Routledge, 1975.

———. *Leviticus as Literature*. Oxford ; New York: Oxford University Press, 1999.

———. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Routledge, 1991.

———. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Routledge, 2001.

Dozeman, Thomas B. *Commentary on Exodus*. ECC. Grand Rapids: Eerdmans, 2009.

Duguid, Iain M. *Numbers: God's Presence in The Wilderness*. Preaching The Word. Wheaton, IL: Crossway, 2006.

Duke, Rodney. "The Portion of the Levite: Another Reading of Deuteronomy 18:6-8." *JBL* 106 (1987): 193–201.

Edelman, Diana. "Hezekiah's Alleged Cultic Centralization." *JSOT* 32 (2008): 395–434.

Edenburg, Cynthia, and Reinhard Müller. "A Northern Provenance for Deuteronomy? A Critical Review." *HeBAI* 4 (2015): 148–61.

Eliade, Mircea. *The Sacred and the Profane: The Nature of Religion*. San Diego, CA: Harcourt, 1987.

Elrefaei, Aly. *Wellhausen and Kaufmann: Ancient Israel and Its Religious History in the Works of Julius Wellhausen and Yehezkel Kaufmann*. BZAW 490. Berlin: De Gruyter, 2016.

Emerton, J. A. "Priests and Levites in Deuteronomy: An Examination of Dr. G. E. Wright's Theory." *VT* 12 (1962): 129–38.

Faust, Avraham. *The Archaeology of Israelite Society in Iron Age II*. Winona Lake, IN: Eisenbrauns, 2012.

Faust, Avraham, and Hayah Katz. "A Canaanite Town, a Judahite Center, and a Persian Period Fort: Excavating over Two Thousand Years of History at Tel 'Eton." *NEA* 78 (2015): 88–102.

Finsterbusch, Karin, Armin Lange, and Diethard Römheld, eds. *Human Sacrifice in Jewish and Christian Tradition*. Numen 112. Leiden: Brill, 2007.

Firmage, Edwin. "Zoology." Pages 1109–67 in *ABD*. Edited by David Noel Freedman. Vol. 6 of. New York: Doubleday, 1992.

Freedman, David Noel. "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran." *BA* 43 (1980): 121–22.

Frese, Daniel. "A Land of Gates: Covenant Communities in the Book of Deuteronomy." *VT* 65 (2015): 33–52.

———. "The Civic Forum in Ancient Israel: The Form, Function, and Symbolism of City Gates." PhD Diss, University of California, 2012.

Fried, Lisbeth S. "The High Places (BĀMÔT) and the Reforms of Hezekiah and Josiah: An Archaeological Investigation." *JAOS* 122 (2002): 437–65.

Gehman, Henry. "The Oath in the Old Testament: Its Vocabulary, Idiom, and Syntax." Pages 51–63 in *Grace upon Grace: Essays in Honor of Lester J. Kuyper*. Edited by James I. Cook. Grand Rapids: Eerdmans, 1975.

Geoghegan, Jeffrey C. "The Levites and the Literature of the Late-Seventh Century." *JHS* 7.10 (2007): 30–41.

Gerstenberger, E. "אוה." Pages 55–56 in *TLOT*. Edited by Ernst Jenni and Claus Westermann. Peabody, MA: Hendrickson, 1997.

Gilders, William K. *Blood Ritual in the Hebrew Bible: Meaning and Power*. Baltimore: The Johns Hopkins University Press, 2004.

Gowan, Donald E. "Wealth and Poverty in the Old Testament: The Case of the Widow, the Orphan, and the Sojourner." *Int* 41 (1987): 341–53.

Greenspahn, Frederick. “Deuteronomy and Centralization.” *VT* 64 (2014): 227–35.

Greer, Jonathan S. *Dinner at Dan: Biblical and Archaeological Evidence for Sacred Feasts at Iron Age II Tel Dan and Their Significance*. CHANE 66. Brill: Boston, 2013.

Gunneweg, A. H. J. *Leviten Und Priester: Hauptlinien Der Traditionsbildung Und Geschichte Des Israelitisch-Jüdischen Kultpersonals*. FRLANT. Göttingen: Vandenhoeck & Ruprecht, 1965.

Hallo, William W., and K. Lawson Younger, eds. *The Context of Scripture*. Vol. 1. Leiden ; New York: Brill, 1997.

Halpern, Baruch. “Jerusalem and the Lineages in the Seventh Century BCE: Kingship and the Rise of Individual Moral Liability.” Pages 11–107 in *Law and Ideology in Monarchic Israel*. Edited by Deborah W. Hobson. JSOTSup 124. Sheffield: JSOT Press, 1991.

Haran, Menahem. *Temples and Temple-Service in Ancient Israel: An Inquiry into Biblical Cult Phenomena and the Historical Setting of the Priestly School*. Winona Lake, IN: Eisenbrauns, 1985.

Heger, Paul. *The Three Biblical Altar Laws: Developments in the Sacrificial Cult in Practice and Theology: Political and Economic Background*. BZAW 279. Berlin: De Gruyter, 1999.

Heinz, Gunter, and Thinnarat Srisuvan, eds. *Guidelines for Humane Handling, Transport, and Slaughter of Livestock*. RAP Publication. Food and Agriculture Organization, 2001.

Herzog, Ze’ev. “The Date of the Temple at Arad: Reassessment of the Stratigraphy and the Implications for the History of Religion in Judah.” Pages 156–78 in *Studies in the Archaeology of the Iron Age in Israel and Jordan*. Edited by Amihay Mazar and Ginny Mathias. JSOTSup 331. Sheffield, England: Sheffield Academic, 2001.

Hess, Jared. *Napoleon Dynamite*. DVD. Twentieth Century Fox, 2004.

Holladay, John S. “House, Israelite.” *ABD* 3:308–17.

———. “The Kingdoms of Israel and Judah: Political and Economic Centralization in the Iron IIA-B (ca. 1000-750 BCE).” Pages 368–98 in *The Archaeology of Society in the Holy Land*. Edited by Thomas Evan Levy. London: Continuum, 2003.

Homan, Michael M. *To Your Tents, O Israel!: The Terminology, Function, Form, and Symbolism of Tents in the Hebrew Bible and the Ancient Near East*. CHANE 12. Leiden ; Boston: Brill, 2002.

Hoppe, Leslie. “The Levitical Origins of Deuteronomy Reconsidered.” *BR* 28 (1983): 27–36.

Horowitz, Wayne. *Mesopotamian Cosmic Geography*. Mesopotamian Civilizations 8. Winona Lake, IN: Eisenbrauns, 1998.

Hundley, Michael B. *Gods in Dwellings: Temples and Divine Presence in the Ancient Near East*. Writings from the Ancient World Supplements Series / Society of Biblical Literature 3. Atlanta, GA: Society of Biblical Literature, 2013.

Jenson, Philip P. *Graded Holiness: A Key to the Priestly Conception of the World*. JSOTSup 106. Sheffield: Sheffield Academic, 1992.

Joosten, Jan. *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*. VTSup 67. Leiden: Brill, 1996.

Kim, Yeong Seon. *The Temple Administration and the Levites in Chronicles*. Washington, D.C.: CBAA, 2013.

King, Philip J., and Lawrence E. Stager. *Life in Biblical Israel*. Library of Ancient Israel. Louisville, KY: Westminster John Knox, 2001.

Kitchen, Kenneth, and Paul Lawrence. *Treaty, Law and Covenant in the Ancient Near East*. Wiesbaden: Harrassowitz Verlag, 2012.

Klein, George L. *Zechariah*. NAC. Nashville, TN: B & H, 2008. http://public.eblib.com/choice/publicfullrecord.aspx?p=665095.

Klingbeil, Gerald A. *Bridging the Gap: Ritual and Ritual Texts in the Bible*. BBRSup 1. Winona Lake, IN: Eisenbrauns, 2007.

———. "'Libation Rituals in the Ancient Near East.'" Pages 219–39 in *Khirbet Qeiyafa Excavation Report 2007–2013: Art, Cult, and Epigraphy*. Edited by Yosef Garfinkel, Saar Ganor, Michael G. Hasel, and Martin G. Klingbeil. Vol. 4 of. Jerusalem: Institute of Archaeology, Southern Adventist University/Israel Exploration Society/Institute of Archaeology, The Hebrew University of Jerusalem, 2018.

———. "Priests and Levites." Pages 811–19 in *IVP Dictionary Of the Old Testament: Historical Books*. Downers Grove, IL: IVP, 2005.

———. "'Who Did What When and Why?': The Dynamics of Ritual Participants in Leviticus 8 and Emar 369." Pages 105–34 in *Inicios, Paradigmas y Fundamentos*. Libertador San Martin, Argentina: Editorial Universidad Adventista del Plata, 2004.

Knohl, Israel. *The Sanctuary of Silence: The Priestly Torah and the Holiness School*. Minneapolis: Fortress, 1995.

Köhler, Ludwig. *The Hebrew and Aramaic Lexicon of the Old Testament*. Leiden: Brill, 1994.

Kottsieper. "שׁבע ;שׁבעה." *TDOT*. Edited by G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry. Vol. 14 of. Grand Rapids: Eerdmans, 2004.

Lasker, Arnold. "The Jewish Prayer for Rain in Babylonia." *JSJ* 15 (1984): 123–44.

Leuchter, Mark. "'The Levite in Your Gates': The Deuteronomic Redefinition of Levitical Authority." *JBL* 126 (2007): 417–36.

Levenson, Jon. *The Death and Resurrection of the Beloved Son: The Transformation of Child Sacrifice in Judaism and Christianity*. New Haven, CT: Yale University Press, 1993.

Levine, Baruch. *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel*. Vol. 5 of *SJLA*. Leiden: Brill, 1974.

———, ed. *Numbers 1-20*. Anchor Bible Commentary 4. New York: Doubleday, 1993.

———. "Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran." *JBL* 99 (1980): 448–51.

Levinson, Bernard M. *Deuteronomy and The Hermeneutics of Legal Innovation*. New York: Oxford University Press, 1997.

Lipschits, Oded, Omer Sergi, and Ido Koch. "Royal Judahite Jar Handles: Reconsidering the Chronology of the Lmlk Stamp Impressions." *TA* 37 (2010): 3–32.

Liwak, R. "שׁפך." Pages 431–42 in *TDOT*. Edited by G. Johannes Botterweck Ringgren, Helmer and Heinz-Josef Fabry. Vol. 15 of. Grand Rapids: Eerdmans, 1974.

Lohfink, Norbert. "Opfer und Säkularisierung im Deuteronomium." Pages 15–44 in *Studien zu Opfer und Kult im Alten Testament: mit einer Bibliographie 1969-1991 zum Opfer in der Bibel*. Edited by Adrian Schenker. FAT 3. Tübingen: Mohr Siebeck, 1992.

———. "The Laws of Deuteronomy: A Utopian Project for A World without Any Poor." *ScrB* 26.1 (1996): 2–19.

Lundbom, Jack. *Deuteronomy*. Grand Rapids: Eerdmans, 2013.

Lundquist, John. "What Is a Temple? A Preliminary Typology." Pages 205–19 in *The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall*. Edited by George E. Mendenhall. Winona Lake, Ind: Eisenbrauns, 1983.

Magnetti, Donald. “Oath-Functions and the Oath Process in the Civil and Criminal Law of the Ancient Near East.” *Brooklyn J. Int. Law* 5 (1979): 1–28.

Mankowski, Paul V. *Akkadian Loanwords in Biblical Hebrew*. HSS 47. Winona Lake, IN: Eisenbrauns, 2000.

Marom, Nimrod, Amihai Mazar, Noa Raban-Gerstel, and Guy Bar-Oz. “Backbone of Society: Evidence for Social and Economic Status of the Iron Age Population of Tel Reḥov, Beth Shean Valley, Israel.” *BASOR* 354 (2009): 55–75.

Master, Daniel M. “Economy and Exchange in the Iron Age Kingdoms of the Southern Levant.” *BASOR* 372 (2014): 81–97.

Mattila, Raija, Theodore Kwasman, and Simo Parpola, eds. *Legal Transactions of the Royal Court of Nineveh*. Vol. 6 of *SAA*. Helsinki, Finland: Helsinki University Press, 1991.

May, Natalie N. “Gates and Their Functions in Mesopotamia and Ancient Israel.” Pages 77–121 in *The Fabric of Cities: Aspects of Urbanism, Urban Topography and Society in Mesopotamia, Greece, and Rome*. Edited by Natalie N. May and Ulrike Steinert. CHANE 68. Boston: Leiden, 2013.

McCarthy, Dennis. “Further Notes on the Symbolism of Blood and Sacrifice.” *JBL* 92 (1973): 205–10.

———. “Symbolism of Blood and Sacrifice.” *JBL* 88 (1969): 166–76.

McConville, J. G., and J. G. Millar. *Time and Place in Deuteronomy*. JSOTSup 179. Sheffield: Sheffield Academic Press, 1994.

McConville, J. Gordon. *Deuteronomy*. ApOTC 5. Downers Grove: IVP, 2002.

———. *Law and Theology in Deuteronomy*. JSOTSup 33. Sheffield: Sheffield Academic, 1984.

McMullen, David. “Bureaucrats and Cosmology: The Ritual Code of T’ang China.” Pages 181–236 in *Rituals of Royalty: Power and Ceremonial in Traditional Societies*. Edited by David Cannadine and Simon Price. Cambridge: Cambridge University Press, 1987.

Meyer, I. “אוה.” Pages 134–37 in *TDOT*. Edited by G. Johannes Botterweck Ringgren, Helmer and Heinz-Josef Fabry. Grand Rapids: Eerdmans, 1974.

———. “אוה.” Pages 146–48 in *TWZAT*. Edited by G. Johannes Botterweck, George W. Anderson, and Helmer Ringgren. Stuttgart: W. Kohlhammer, 1973.

Meyers, Carol. “Feast Days and Food Ways: Religious Dimensions of Household Life.” Pages 225–50 in *Family and Household Religion: Toward a Synthesis of Old Testament Studies, Archaeology, Epigraphy, and Cultural Studies*. Edited by Rainer Albertz, Beth Alpert Nakhai, Saul M. Olyan, and Rüdiger Schmitt. Winona Lake, Indiana: Eisenbrauns, 2014.

Meyers, Carol L., and Eric M. Meyers. *Zechariah 9-14*. AB 25C. New York: Doubleday, 1993.

Milgrom, Jacob, ed. *Leviticus 1-16: A New Translation with Introduction and Commentary*. AB 3. New York: Doubleday, 1991.

———, ed. *Leviticus 23-27: A New Translation with Introduction and Commentary*. AB 3B. New York: Doubleday, 2001.

———. *Leviticus: A Book of Ritual and Ethics*. Continental Commentaries. Minneapolis, MN: Fortress, 2004.

———. *Numbers*. JPS Torah Commentary. Philadelphia: JPS, 1990.

———. “Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy.” *HUCA* 47 (1976): 1–17.

———. “Review of Temples and Temple-Service in Ancient Israel, by Menahem Haran.” *CBQ* 42 (1980): 100–101.

———. *Studies in Levitical Terminology: The Encroacher and the Levite, the Term ‘Aboda*. Near Eastern Studies 14. Berkeley: University of California Press, 1970.

———. “The Shared Custody of the Tabernacle and a Hittite Analogy.” *JAOS* 90 (1970): 204–9.

Morrow, William S. *An Introduction to Biblical Law*. Grand Rapids: Eerdmans, 2017.

Mowinckel, Sigmund. *The Psalms in Israel’s Worship*. Translated by D.R. Thomas. Vol. 2 Vols. Nashville, TN: Abingdon, 1962.

Na’aman, Nadav. “The Debated Historicity of Hezekiah’s Reform in the Light of Historical and Archaeological Research.” *ZAW* 107 (1995): 179–95.

———. “The Lmlk Seal Impressions Reconsidered.” *TA* 43 (2016): 111–25.

Nam, Roger S. *Portrayals of Economic Exchange in the Book of Kings*. BibInt 112. Leiden: Brill, 2012.

Nelson, Richard. *Raising up a Faithful Priest: Community and Priesthood in Biblical Theology*. Louisville, KY: Westminster John Knox, 1993.

Nelson, Richard D. *Deuteronomy*. OTL. Louisville, KY: Westminster John Knox, 2004.

Neusner, Jacob. *The Babylonian Talmud: A Translation and Commentary*. Peabody, MA: Hendrickson, 2011.

———, ed. *The Mishnah: A New Translation*. New Haven: Yale University Press, 1988.

Nihan, Christophe. *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*. FAT 2 25. Tübingen: Mohr Siebeck, 2007.

Nurmela, Risto. *The Levites: Their Emergence as A Second-Class Priesthood*. SFSHJ 193. Atlanta: Scholars Press, 1998.

Pace, Leann. “Feasting and Everyday Meals in the World of the Hebrew Bible.” Pages 179–98 in *Feasting in the Archaeology and Texts of the Bible and the Ancient Near East*. Edited by Peter Altmann and Janling Fu. Winona Lake, IN: Eisenbrauns, 2014.

Pardee, Dennis. *Ritual and Cult at Ugarit*. WAW 10. Atlanta: SBL, 2002.

Patai, Raphael. “The Control of Rain in Ancient Palestine.” *HUCA* 14 (1939): 251–86.

Pérez Fernández, Miguel. *An Introductory Grammar of Rabbinic Hebrew*. Leiden: Brill, 1997.

Petter, Donna L. “High Places.” Pages 413–18 in *Dictionary of the Old Testament: Historical Books*. Edited by Bill T. Arnold and H. G. M. Williamson. Downers Grove, IL: IVP, 2005.

Platvoet, Jan. “Ritual in Plural and Pluralist Societies: Instruments for Analysis.” Pages 25–51 in *Pluralism and Identity: Studies in Ritual Behavior*. Edited by Karel van der Toorn. Leiden: Brill, 1995.

Pritchard, James B., and Daniel E. Fleming, eds. *The Ancient Near East: An Anthology of Texts and Pictures*. Princeton, NJ: Princeton University Press, 2011.

Propp, William Henry, ed. *Exodus 19-40*. The Anchor Bible 2A. New York: Doubleday, 2006.

von Rad, Gerhard. *Deuteronomy*. Philadelphia: Westminster, 1966.

———. *Studies in Deuteronomy*. Translated by David Stalker. SBT 9. Chicago: SCM, 1953.

Redding, Richard W. “Decision Making in Subsistence Herding of Sheep and Goats in the Middle East.” PhD Diss, University of Michigan, 1981.

Richter, Sandra. “Environmental Law in Deuteronomy: One Lens on a Biblical Theology of Creation Care.” *BBR* 20 (2010): 355–76.

———. “The Archaeology of Mount Ebal and Mount Gerizim and Why It Matters.” Pages 304–37 in *Sepher Torath Mosheh: Studies in the Composition and Interpretation of*

Deuteronomy. Edited by Daniel I Block and Richard L Schultz. Peabody, MA: Hendrickson, 2017.

———. *The Deuteronomistic History and the Name Theology: Lešakkēn Šemô Šām in the Bible.* Berlin: De Gruyter, 2002.

———. "The Place of the Name in Deuteronomy." *VT* 57.3 (2007): 342–66.

———. "The Question of Provenance and the Economics of Deuteronomy." *JSOT* 42 (2017): 23–50.

Robertson Smith, William. *Lectures on the Religion of the Semites: The Fundamental Institutions*. London: A & C Black, 1894.

Rofé, Alexander. "The Organization of the Judiciary in Deuteronomy (Deut 16:18-20; 17:8-13; 19:15; 21:22-23; 24:16; 25:1-3)." Pages 92–112 in *The World of the Arameans: Studies in Honour of Paul-Eugène Dion*. Edited by P. M. Michèle Daviau, John William Wevers, Michael Weigl, and Paul-Eugène Dion. Vol. 1 of *JSOTSup* 324. Sheffield: Sheffield Academic, 2001.

Rubenstein, Jeffrey L. *The History of Sukkot in the Second Temple and Rabbinic Periods*. BJS 302. Atlanta: Scholars Press, 1995.

Samuel, Harald. "Levi, the Levites, and the Law." *Rewriting and Interpreting the Hebrew Bible: The Biblical Patriarchs in the Light of the Dead Sea Scrolls*. Edited by Devorah Dimant and Reinhard Gregor Kratz. BZAW 439. Berlin: De Gruyter, 2013.

———. *Von Priestern zum Patriarchen: Levi und die Leviten im Alten Testament*. BZAW 448. Berlin: De Gruyter, 2014.

Sapir-Hen, Lidar, Yuval Gadot, and Israel Finkelstein. "Animal Economy in a Temple City and Its Countryside: Iron Age Jerusalem as a Case Study." *BASOR* 375 (2016): 103–18.

———. “Environmental and Historical Impacts on Long Term Animal Economy: The Southern Levant in the Late Bronze and Iron Ages.” *JESHO* 57 (2014): 703–44.

Sapir-Hen, Lidar, M. A. S. Martin, and Israel Finkelstein. “Food Rituals and Their Social Significance.” *Int J Osteoarchaeol* 27 (2017): 1048–58.

Sarna, Nahum M. *Exodus*. JPS Torah Commentary. Philadelphia: JPS, 1991.

———. *Exploring Exodus: The Origins of Biblical Israel*. New York: Socken Books, 1996.

Sasson, Aharon. *Animal Husbandry in Ancient Israel: A Zooarchaeological Perspective on Livestock Exploitation, Herd Management and Economic Strategies*. Approaches to Anthropological Archaeology. London: Equinox, 2010.

———. “Corpus of 694 Astragali from Stratum II at Tel Beersheba.” *TA* 34 (2007): 171–81.

Scafa, Paola Negri. “‘ana Pani Abulli Šaṭir’: Gates in the Texts of the City of Nuzi.” Pages 139–62 in *Studies on the Civilization and Culture of Nuzi and the Hurrians*. Edited by David I. Owen and Martha A. Morrison. Vol. 9 of *General Studies and Excavations at Nuzi* 10/2. Winona Lake, IN: Eisenbrauns, 1998.

Schafer-Elliott, Cynthia. “The Role of the Household in the Religious Feasting of Ancient Israel and Judah.” Pages 199–221 in *Feasting in the Archaeology and Texts of the Bible and the Ancient Near East*. Edited by Peter Altmann and Janling Fu. Winona Lake, IN: Eisenbrauns, 2014.

Schmitt, Rüdiger. “A Typology of Iron Age Cult Places.” Pages 265–86 in *Family and Household Religion: Toward a Synthesis of Old Testament Studies, Archaeology, Epigraphy, and Cultural Studies*. Edited by Rainer Albertz, Beth Alpert Nakhai, and Saul M. Olyan. Winona Lake, Indiana: Eisenbrauns, 2014.

Schniedewind, William M. *How the Bible Became a Book: The Textualization of Ancient Israel*. Cambridge: Cambridge University, 2005.

Schunck. "שׂטר." Pages 606–9 in *TDOT*. Edited by G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry. Vol. 14 of. Grand Rapids: Eerdmans, 2004.

Schunck, G. Johannes Botterweck, and Helmer Ringgren. "שׂטר." Pages 1256–58 in *TWzAT*. Vol. 7 of. Berlin: W. Kohlhammer Stuttgart, 1993.

Schwartz, Baruch. "The Pentateuch as Scripture and the Challenge of Biblical Criticism: Responses among Modern Jewish Thinkers and Scholars." Pages 203–29 in *Jewish Concepts of Scripture: A Comparative Introduction*. Edited by Benjamin D. Sommer. New York: New York University Press, 2012.

Sergi, Omer. "Ramat Raḥel as an Administrative Center: The Early and Late Lmlk Stamp Impressions." *NEA* 74 (2011): 16.

Shai, Itzhack, and Aren M. Maeir. "Pre-Lmlk Jars: A New Class of Iron Age IIA Storage Jars." *TA* 30 (2003): 108–23.

Shectman, Sarah. "The Social Status of Priestly and Levite Women." Pages 83–102 in *Levites and Priests in Biblical History and Tradition*. Edited by Mark Leuchter. AIL 9. Atlanta: SBL, 2011.

Smith, Jonathan Z. *To Take Place: Toward Theory in Ritual*. CSHJ. Chicago: University of Chicago Press, 1992.

Smith, Morton. "A Note on Burning Babies." *JAOS* 95 (1975): 477–79.

Sparks, Kenton L. *Ancient Texts for the Study of the Hebrew Bible: A Guide to the Background Literature*. Peabody, MA: Hendrickson, 2005.

Stackert, Jeffrey. “The Cultic Status of the Levites in the Temple Scrolls: Between History and Hermeneutics.” Pages 199–214 in *Levites and Priests in Biblical History and Tradition*. Edited by Mark Leuchter. Ancient Israel and Its Literature 9. Atlanta: SBL, 2011.

Stager, Lawrence. “Jerusalem as Eden.” *BAR* 26.3 (2000): 36–47.

Stevens, Marty E. *Temples, Tithes, and Taxes: The Temple and the Economic Life of Ancient Israel*. Peabody, MA: Hendrickson Publishers, 2006.

Sweeney, Marvin A. *I & II Kings*. OTL. Louisville, KY: Westminster John Knox, 2007.

Taggar-Cohen, Ada. “Covenant Priesthood: Cross-Cultural Legal and Religious Aspects of Biblical and Hittite Priesthood.” Pages 11–24 in *Levites and Priests in Biblical History and Tradition*. Edited by Mark Leuchter. AIL 9. Atlanta: SBL, 2011.

———. “Law and Family in the Book of Numbers: The Levites and the Tidennūtu Documents from Nuzi.” *VT* 48 (1998): 74–94.

Teeter, Emily. *Religion and Ritual in Ancient Egypt*. Cambridge: Cambridge University Press, 2011.

Thompson, Christine M. “Sealed Silver in Iron Age Cisjordan and the ‘Invention’ of Coinage.” *OJA* 22 (2003): 67–107.

Tigay, Jeffrey. *Deuteronomy*. JPS Torah Commentary. Philadelphia: JPS, 1996.

van der Toorn, Karel. *Sin and Sanction in Israel and Mesopotamia: A Comparative Study*. SSN 22. Assen, Netherlands: Van Gorcum, 1985.

Tucker, Gene. “Witnesses and ‘Dates’ in Israelite Contracts.” *CBQ* 28 *Witnesses and “Dates”* (1966): 42–45.

de Vaux, Roland. *Ancient Israel: Its Life and Institutions*. Grand Rapids: Eerdmans, 1997.

Velde, Herman te. “Theology, Priests, and Worship in Ancient Egypt.” Pages 1731–49 in *CANE*. Edited by Jack M. Sasson. Vol. 3 of. New York: Scribner, 1995.

Walsh, Carey. *The Fruit of the Vine: Viticulture in Ancient Israel*. Winona Lake, IN: Eisenbrauns, 2000.

Walton, John H. *Ancient Near Eastern Thought and the Old Testament: Introducing the Conceptual World of the Hebrew Bible*. Grand Rapids: Baker Academic, 2006.

Walton, Joshua T. “The Regional Economy of the Southern Levant in the 8th-7th Centuries BCE.” PhD Dissertation. Harvard University, 2015.

Weinfeld, Moshe. “Burning Babies in Ancient Israel.” *UF* 10 (1978): 411–13.

———. *Deuteronomy and the Deuteronomic School*. Winona Lake, IN: Eisenbrauns, 1992.

———. “Elder.” Pages 294–95 in *Encyclopaedia Judaica*. Edited by Fred Skolnik and Michael Berenbaum. 2nd ed. Detroit: Macmillan Reference, 2007.

———. “Judge and Officer in Ancient Israel and in the Ancient Near East.” *IOS* 7 (1977): 65–88.

———. “The Worship of Molech And of The Queen of Heaven And Its Background.” *UF* 4 (1972): 133–54.

Welch, Adam C. *The Religion of Israel under the Kingdom*. The Kerr Lectureship. Edinburgh: T&T Clark, 1912.

Wellhausen, Julius. *Prolegomena to the History of Israel*. Translated by J. Sutherland and Allan Menzies. Edinburgh: A & C Black, 1885.

Wells, Bruce. “Competing or Complementary?: Judges and Elders in Biblical and Neo-Babylonian Law.” *ZAR* 16 (2010): 73–100.

Wilkinson, Toby A. H., and Rosalie David, eds. “The Temple Priesthood.” Pages 105–18 in *The Egyptian World*. New York: Routledge, 2007.

Willis, Timothy M. *The Elders of the City: A Study of the Elders-Laws in Deuteronomy*. SBL Monograph Series 55. Atlanta: SBL, 2001.

Wilson, Jim. “The Old Testament Sacrificial Context of 2 Corinthians 8-9.” *BBR* 27 (2017): 363–80.

Wilson, Robert. “Israel’s Judicial System in the Preexilic Period.” *JQR* 74 (1983): 229–48.

Wright, G. Ernest. “The Levites in Deuteronomy.” *VT* 4 (1954): 325–30.

Yu, Suee Yan. “Tithes and Firstlings in Deuteronomy.” PhD Diss, Union Theological Seminary, 1997.

Zeder, Melinda. *Feeding Cities: Specialized Animal Economy in the Ancient Near East*. Washington, D.C.: Smithsonian Institution Press, 1991.

Zevit, Ziony. *The Religions of Ancient Israel: A Synthesis of Parallactic Approaches*. New York: Continuum, 2001.

Ziegler, Yael. *Promises to Keep: The Oath in Biblical Narrative*. Vol. 120 of *VTSup*. Leiden: Brill, 2008.